ATTACHMENTS

Ordinary Council Meeting

26 April 2016

Attachments 1 of 2:
Item 10.0.1 (Amendment 46 Only)

City of South Perth

ATTACHMENTS TO AGENDA ITEMS

Ordinary Council Meeting - 26 April 2016

Contents

Attachment (a)

City of South Perth
Town Planning Scheme No. 6

REPORT ON SUBMISSIONS ON SIGNIFICANT MODIFICATIONS TO

Amendment No. 46

South Perth Station Precinct: Special Control Area SCA 1: Re-advertised significant modifications –

- **Reduction in extent of the Special Design Area**
- **Creation of absolute height limits**
- **Increased street setbacks in certain streets**
- **Mandatory 1.5 minimum non-residential plot ratio**
- **Maximum 10% variation from minimum lot area and frontage**

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PLANNING AND DEVELOPMENT ACT 2005

CITY OF SOUTH PERTH
TOWN PLANNING SCHEME NO. 6
AMENDMENT NO. 46

REPORT ON SUBMISSIONS ON SIGNIFICANT MODIFICATIONS

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PLANNING AND DEVELOPMENT ACT 2005

CITY OF SOUTH PERTH
TOWN PLANNING SCHEME NO. 6
AMENDMENT NO. 46

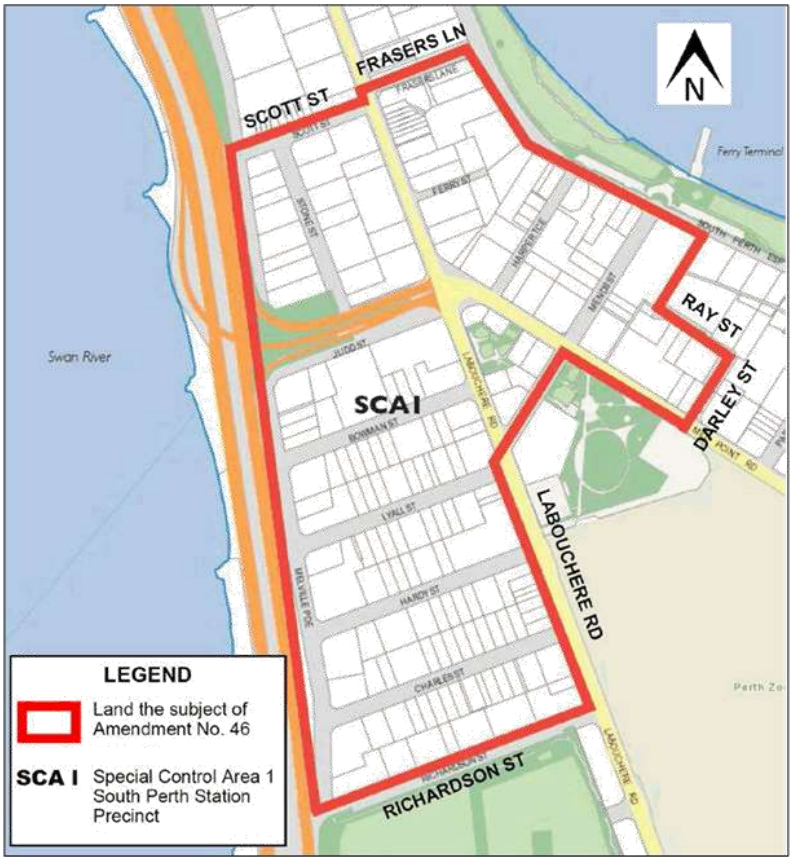
REPORT ON SUBMISSIONS ON SIGNIFICANT MODIFICATIONS

STATUTORY POSITION TO DATE AND AMENDMENT NO. 46 PROPOSALS

1. Background

The location of the land affected by the proposed Amendment No. 46 is shown in **Figure 1.**

Figure 1 Special Control Area 1 – South Perth Station Precinct



In the City of South Perth Town Planning Scheme No. 6 (TPS6), the southerly portion of the South Perth peninsula has been designated as Special Control Area 1 – South Perth Station Precinct (SCA 1). The precinct includes all land between Richardson and Darley Streets to the south and east, and Scott Street and Frasers Lane to the north. In January 2013,

Amendment No. 25 to TPS6 created the South Perth Station Precinct with special development requirements and entitlements designed to allow more intensive commercial and multiple residential development than previously allowed, and to promote a significant increase in employment opportunities adjacent to major public transport routes, particularly in anticipation of the future construction of the South Perth train station. The special development requirements apply to all 'comprehensive new development' in SCA 1. These requirements are primarily contained in Schedule 9.

The geographic extent of the South Perth Station Precinct will remain unchanged under the proposed Amendment No. 46 (refer to Figure 1).

Amendment No. 25 became operative on 18 January 2013. Since that time, through assessment of development applications in the South Perth Station Precinct it has been found that the Schedule 9 provisions contain certain anomalies and ambiguities. It has also been recognised that the performance criteria linked to the approval of variations from the basic building height limits need to be made progressively more demanding according to the extent of proposed 'height' variations. At present, the same set of performance criteria must be met, irrespective of the extent of the height variation being sought. Drawing on the experience gained through implementation of the 'Amendment No. 25' provisions, Scheme Amendment No. 46 in its original form was initiated for the purposes of:

(a) rectifying the identified minor anomalies / ambiguities in existing provisions; and

(b) strengthening existing performance criteria relating to building height variations.

This will be achieved by inserting a new Schedule 9A in place of the existing Schedule 9.

The original Amendment No. 46 proposals were widely advertised. Of the 41 'first-round' submissions received, 17 expressed the view that the operative height controls are inadequate. One submitter wanted the street setback in Charles Street increased to 4 metres and another submitter requested the same setback for Mill Point Road north of Judd Street. In response to the 'first-round' submissions, on 27 October 2015, the Council decided to invite comments on the following significant modifications to Amendment No. 46 which radically change its purpose:

- Reduction in extent of the Special Design Area;
- Creation of absolute height limits in the Special Design Area for buildings higher than the 'basic' height limits;
- Increased street setbacks for Bowman, Charles and Hardy Streets except for lots in the Special Design Area, and for the northerly portion of Mill Point Road; and
- Mandatory 1.5 minimum non-residential plot ratio.
- Maximum 10% variation from minimum lot area and frontage for a site to be eligible for consideration of building height above the 'basic' height limit;

The proposed introduction of absolute height limits, reduction in the extent of the Special Design Area, and increased street setbacks represent significant departures from the original intentions for the precinct. Under the currently operative Scheme, in the Special Design Area where a proposed development meets all of the specified performance criteria, approval can be granted for a building higher than the nominated 'basic' building height limit. The current Scheme does not specify an upper limit regarding the permissible extent of a variation from the basic height limit. Being guided by the earlier *"South Perth Station Precinct Study"*, it was not the original intention to set absolute height limits where the performance criteria are met to the Council's satisfaction.

'Second-round' community comments have been invited on the five significant modifications to the originally advertised version of Amendment No. 46.

2. Amendment No. 25 – finalised 18 January 2013

Amendment No. 25 to TPS6, finally gazetted on 18 January 2013, created the South Perth Station Precinct and introduced the currently operative special development requirements and entitlements. Prior to implementation of Amendment No. 25, an extensive study had been undertaken, leading to the adoption of the *"South Perth Station Precinct Plan"*. Taking into account the processes involved in both the pre-requisite precinct study and Scheme Amendment No. 25, the current set of Scheme provisions guiding development in the precinct are the culmination of some seven years of investigation and statutory processes with extensive community involvement.

Scheme Amendment No. 25 introduced provisions relating to development contributions, but the City cannot impose development contributions until a Development Contribution Plan has been adopted by the City and approved by the Western Australian Department of Planning. This is a plan itemising and costing proposed City infrastructure that would be partially funded by developers. The Development Contribution Plan must also include the intended cost-sharing formula. Prior to finalisation of Amendment No. 25, the City presented a Development Contribution Plan to the Department of Planning however it was not approved, primarily because it included infrastructure which is the responsibility of State Government agencies. With the assistance of consultants, the City is currently investigating how development contributions may be collected within the South Perth Station Precinct, or whether there might be a more suitable method of partial cost-recovery.

The original officer's Report on Submissions on Amendment No. 46, considered at the 27 October 2015 Special Council meeting contains more detailed information on the processes leading to the final gazettal of Amendment No. 25.

3. Amendment No. 46 not introducing provisions to allow higher buildings

Within the South Perth Station Precinct, since the provisions of Scheme Amendment No. 25 became operative in January 2013, 'basic' building height limits of 10.5 metres, 14 metres, 25 metres or 41 metres have applied to land in various parts of the precinct. However in the case of land in that part of the precinct comprising the 'Special Design Area', where a proposed development meets all of the specified performance criteria, approval may be granted for buildings higher than the nominated 25 metre or 41 metre basic height limit. In those cases, under the provisions introduced by Amendment No. 25, there is no additional restriction on the extent of possible variations from the applicable basic building height limit.

Amendment No. 46 will make additions and alterations to, and deletions from, the performance criteria to make them progressively more stringent depending on the extent to which an applicant wishes to exceed the nominated basic height limit. Under Amendment No. 46, progressively more performance criteria must be met, for a proposed development above nominated 'stepped' height limits to be eligible for approval. In its original form, Amendment No. 46 was not allowing or promoting buildings any higher than are currently possible. Rather, even in its original form Amendment No. 46 would have constrained the height of future buildings if applicants elected not to comply with some of the performance criteria. In the modified form as advertised for 'second-round'

submissions, Amendment No. 46 introduced absolute limits on the extent to which a building could exceed the applicable basic height limit.

When Amendment No. 46 was advertised in its original form, there was a great deal of confusion and misunderstanding in the community about its purpose and effects. There was a widely held, although incorrect, belief that the 'original' Amendment No. 46 would, for the first time, allow the decision-maker to approve higher buildings than are currently able to be approved. That was not the case. The changes to building height control occurred well over three years ago when Amendment No. 25 came into operation. If Amendment No. 46 were finally approved including the proposed significant modifications, the currently operative Scheme provisions would be 'wound back' to a large degree.

4. Electors' Meeting 6 May 2015 and Special Council Meeting 20 May 2015

Following the City's receipt of a development application for a 29-storey (plus basements) residential / office / café building at No. 74 Mill Point Road, 63 letters were mailed to neighbouring landowners, occupiers and strata bodies inviting submissions on the proposal. In response, a total of 64 submissions (including a petition signed by 39 residents) were received, objecting to the proposed development. The decision-maker was a Joint Development Assessment Panel.

The development proposed at No. 74 Mill Point Road was the catalyst for a petition bearing approximately 292 signatures, received by the City on 15 April 2015. The petition requested an Electors' Meeting to discuss: *"development issues concerning the Mill Point Peninsula"*. The petition also asked the Council to:

- immediately exclude the Mill Point peninsula from the South Perth Station Precinct;
- defer further action on Amendment No. 46 pending removal of the Mill Point peninsula from the precinct; and
- review the need for a new Local Planning Strategy.

The Electors' Meeting was held on 6 May 2015 and the following motions were carried:

"1. The South Perth Council should initiate the necessary processes to exclude from the South Perth Station Precinct, the Mill Point Peninsula that lies north of Ferry Street.

2. The South Perth Council should resolve to initiate immediately a Local Planning Strategy for the Mill Point Peninsula and the land included in the South Perth Precinct Plan pursuant to the requirement in Paragraph 5.5 in the Precinct Action Plan.

3. The South Perth Council should inform JDAP that applications for developments of heights of more than 25 metres in the Mill Point Peninsula (including the 74 Mill Point Road development application) should be refused as premature until such time as a Local Planning Strategy is in place which addresses the Mill Point Peninsula.

4. All further action in connection with Amendment 25, including proposed Amendment 46, should be deferred until a Local Planning Strategy is in place for the South Perth Station Precinct.

5. By reason of the State Architect's report into the proposed development at 74 Mill Point Road, this house has no confidence in the ability of the planners in the South Perth Council to determine whether a development application meets the Performance Criteria in Schedule 9 of the TPS, thereby underscoring the urgent need for a Local Planning Strategy."

These motions were considered at a Special Council Meeting on 20 May 2015, where the following resolution was carried unanimously:

"1. The minutes of the Special Electors meeting held on 6 May 2015 be received.

2. (a) in relation to the No. 6 Town Planning Scheme provisions pertaining to the South Perth Station Precinct, a consultant be engaged to conduct an independent review of those provisions and the geographic extent of the remainder of that precinct;

(b) as part of that review, the consultant is to examine design elements associated with higher buildings, using other well respected regulatory and design frameworks such as that produced by the Commission for Architecture and the Built Environment UK (CABE's): "Guidance on Tall Buildings" or "SEPP 65" from New South Wales; and

(c) based on the findings of the review, the consultant is to prepare a draft of a new amendment to Town Planning Scheme No. 6 for consideration by the Council which will be included into the City-wide Local Planning Strategy which is currently in progress.

3. In the interim, this Council acknowledges the concerns of the community in regard to the development at No. 74 Mill Point Road and requests of the JDAP, at the next meeting held to consider the Development Application of No. 74 Mill Point Road, that further to the outcome and recommendations of the Government Architect and City Officers, the panel require the Applicant to:

(a) set back all below-ground parking a sufficient distance from the street to avoid damage to tree roots; and conceal above-ground parking within the development;

(b) provide a greater setback from the street boundary to provide a building more in keeping with the existing focus area which will avoid any possible damage to the root network of the existing street trees; and

(c) reduce the height of the proposed development to:
(i) be compatible and consistent with the bulk and scale of the surrounding apartments of the peninsular; and
(ii) reduce the significant overshadowing the present proposal will have on the surrounding area.

4. A report be provided to Council on the processes required for the removal of properties from the Special Design Area situated on the East side of Mill Point Road between Ferry Street and Fraser Lane and the West side of Mill Point Road, between Judd Street and Scott Street."

5. Future new Scheme Amendment and Planning Policy

After considering the 'first-round' submissions, the Council formed the view that the geographic extent of the Special Design Area and some of the special provisions applicable to the South Perth Station Precinct were too far-reaching in relation to the desired future character of the precinct. That is why the Council proposed significant modifications to the original Amendment No. 46 and invited further public submissions on those modifications. Further to this action, the Council has engaged an external consultant to investigate other possible substantial changes to the suite of development controls applying to land in the precinct. It is the Council's intention that any further substantial

changes recommended by the consultant and favoured by the Council would be incorporated into another Scheme Amendment. Any possible new provisions introduced by the further Scheme Amendment may be supported by a new Planning Policy. The Council resolution about this further Scheme Amendment is set out above, under "Electors' Meeting 6 May 2015 and Special Council Meeting 20 May 2015."

6. Amendment No. 46 – 'First-Round' advertising – 27 January to 13 March 2015

On 28 October 2014, the Council resolved to initiate Amendment No. 46 for the original purposes of rectifying minor anomalies / ambiguities in existing Scheme provisions and strengthening the performance criteria relating to building height variations. On 7 November 2014 the draft Amendment and accompanying report were forwarded to the Western Australian Planning Commission for information; and to the Environmental Protection Authority (EPA) for assessment. The EPA advised on 17 November 2014 that no environmental assessment was required, clearing the way for 'first-round' public advertising, which commenced on 27 January 2015 and concluded on 13 March 2015 (46 days).

After the officer's Report on Submissions was presented, for some months the Council deferred its decisions on the further progress of the Scheme Amendment. During the intervening period, an electors' meeting was held on 6 May 2015 and a special Council meeting was held on 20 May 2015. Those meetings are discussed above.

The 'first-round' advertising of the original Amendment attracted 41 submissions. Seventeen (17) submitters considered the height controls inadequate while 13 others wanted less stringent height controls. The remaining 11 submitters made no comment about height controls. Two submitters sought increased street setbacks. Further details of the previous extensive advertising processes and of the resulting 'first-round' public submissions are contained in the original officer's Report on Submissions considered at the 27 October 2015 Special Council meeting. On that date, in response to the 'first-round' submissions, the Council endorsed the following significant modifications to Amendment No. 46 for further community consultation:

(a) Reduction in extent of Special Design Area
Removal of the 'Special Design Area' designation from the following Mill Point Road properties:

East side: between Ferry Street and Frasers Lane; and
West side: between Judd Street and Scott Street.

(b) Creation of absolute height limits
Currently, in the Special Design Area there is no upper height limit where all required Table B performance criteria are met. The modified provisions would impose absolute limits on the extent of a variation from the applicable basic building height limit, the maximum allowable height being constrained to no more than 100% above the basic height limit, where the required performance criteria are met.

(c) Increased street setbacks in certain streets
Under the current provisions, on sites abutting Darley Street, Ferry Street, Frasers Lane, Judd Street (north side), Melville Parade north of Judd Street, Ray, Scott and Stone Streets, proposed buildings are required to be set back not less than 4 metres from the front boundary. Under the proposed modifications to Amendment No. 46, a 4-metre minimum front setback would also be required on sites abutting the following streets:

- Bowman Street, except those lots in the Special Design Area;
- Charles Street, except those lots in the Special Design Area;
- Hardy Street, except those lots in the Special Design Area; and
- Mill Point Road, west side between Judd Street and Scott Street; and east side between Harper Terrace and Frasers Lane.

(d) Mandatory 1.5 minimum non-residential plot ratio
Under the modified provisions, it is proposed that any development in the 'Scott-Richardson' and 'Mends' Sub-Precincts must have a non-residential component with a 1.5 minimum plot ratio, compared with the current 1.0 minimum.

(e) Maximum 10% variation from minimum lot area and frontage
Under the current Town Planning Scheme provisions, building height variations are permissible on 'under-sized' lots if the Council is satisfied that the shortfall in area and frontage is minor. The term 'minor' is not defined. In relation to such lots, the proposed modified provisions restrict the shortfall in area and frontage to not more than 10%.

These significant modifications have radically changed the purposes of Amendment No. 46. Its primary purposes are now:

- to introduce far more restrictive building height limits and street setbacks; and
- to increase the proportion of non-residential floor space in future buildings.

The Council still intends to implement the majority of the originally advertised minor changes. Some have been modified in response to the 'first-round' public submissions. The modified Amendment endorsed for 'second-round' advertising at the 27 October 2015 Council meeting contains the full text of the proposed minor changes and also the subsequently proposed significant modifications. In that version of the Amendment, the following colour-coding is used for respective portions of the Amendment text to differentiate between wording already included in the operative Scheme, the proposed 'minor' changes, and the significant modifications:

- Remnant text from operative Scheme: **Black**
- 'Minor' changes:
  - 'First-round' advertising of Amendment No. 46 changes: **Red**
  - Minor changes after considering 'first-round' submissions: **Blue**
- Significant modifications for 'second-round' advertising: **Green with yellow highlighting**

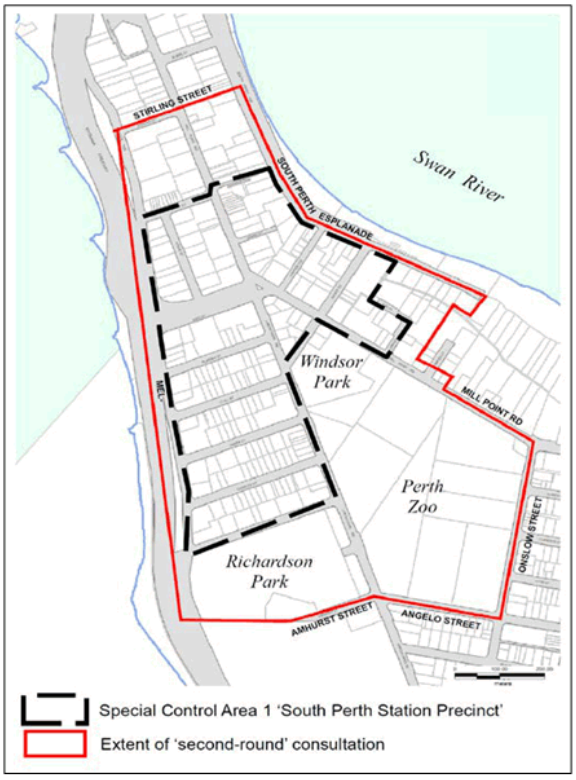
7. Amendment No. 46 – 'Second-Round' advertising – 3 November 2015 to 5 February 2016. Advertising of significant modifications

'Second-round' advertising has been implemented in relation to the significant modifications endorsed by Council on 27 October 2015. The original Amendment proposals have not been re-advertised for further comments. For the 'second-round' advertising, the duration of the submission period was more than three months - from 3 November 2015 to 5 February 2016. Late submissions were accepted for one week after the closing date, until 12 February. In total, submissions were accepted for 102 days, being 60 days longer than the minimum 42-day advertising period. The manner in which 'second-round' submissions were invited substantially exceeded the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's Planning Policy P301 *'Consultation for Planning Proposals'*. The advertising methods are itemised below:

- 102-day advertising period (including one week's 'grace' after closing date), being 60 days longer than the 42-day minimum;
- 1352 letters / notices mailed to all landowners within the South Perth Station Precinct and to owners of properties on the perimeter, outside the precinct;
- 30 letters / notices mailed to architects, town planners and developers known to have an interest in the precinct;
- 10 letters / notices mailed to potentially affected Government agencies;
- Notices published in the 3 November and 17 November 2015 issues of the *Southern Gazette* newspaper;
- Notices and documents displayed on the City's web site, in the City's Libraries and in the Civic Centre;
- Information Session in City of South Perth Community Hall on 3 December 2015 to assist interested people in the preparation of written submissions. In addition to the verbal and PowerPoint presentation, handout sheets were provided, explaining how to lodge submissions. Approximately 60 members of the public attended;
- *'Your Say South Perth'* facility on the City's website for lodging submissions; *(Note: A total of 266 people used this facility to lodge their submissions or to register for attendance at the 3 December Information Session.)*;
- Publicity article on City's website on 19 January 2016.

Figure 2 below shows the extent of consultation undertaken by individual letters and notices mailed to all landowners within the South Perth Station Precinct and to owners of properties on the perimeter, outside the precinct (1352 letters).

Figure 2 Extent of consultation by mail-out to individual property owners



SUBMISSIONS ON SIGNIFICANT MODIFICATIONS TO AMENDMENT NO. 46 – GENERAL DISCUSSION

The significantly modified Amendment No. 46 text endorsed for 'second-round' advertising on 27 October 2015 also contains a broad array of 'minor' changes from the currently operative Schedule 9, being introduced via the replacement Schedule 9A. An expanded and re-structured Table B is also included. The 'minor' changes and the revised Table B did not require re-advertising. The Council has approved those changes which fulfil the original purposes of Amendment No. 46, namely rectifying minor anomalies/ ambiguities and strengthening the performance criteria relating to building height variations. The numerous 'minor' changes and the revisions to Table B will still be implemented as part of Amendment no. 46, however this 'second-round' Report on Submissions only discusses the re-advertised 'significant modifications' proposed for the new primary purposes of introducing far more stringent building height control, increasing street setbacks and increasing the amount of non-residential floor space.

During the 'second-round' advertising period, the following submissions were received:

Support proposed significant modifications	368	(41.7% of total)
Oppose proposed significant modifications	262	(29.7% of total)
Partially support and partially oppose significant modifications	6	(0.7% of total)
Comments not related to re-advertised significant modifications	246	(27.9% of total)
Total submissions	**882**	**(100%)**

A most unusual and unexpectedly large group of submissions are those containing a variety of comments not related to any of the re-advertised significant modifications. Nearly all of these 'unrelated' submissions were lodged on behalf of the owner of one large South Perth Esplanade property occupied by serviced apartments. Further comments about the 'unrelated' submissions are contained in section 7(b) of this report.

Many of the submissions are the result of very active campaigns by strong factions within the community, as evidenced by the many identical 'form' letters and emails.

In the 'Submitters' Comments' section below, those comments and Council's responses and recommendations are grouped into the following categories:

1. Submitters' general comments on significant modifications
2. Reduction of Special Design Area
3. Creation of absolute height limits
4. Increased street setbacks in certain streets
5. Mandatory 1.5 minimum non-residential plot ratio
6. Maximum 10% variation from minimum lot area and frontage
7. Submissions not related to advertised significant modifications
8. Additional minor text improvements to Schedule 9A

Most of the supporting and opposing submitters have commented on each of the five significant modifications to the original version of Amendment No. 46.

The accompanying Schedule of Submissions contains the same information in the format required by the Western Australian Department of Planning.

A ***confidential*** copy of the submissions is provided with this report for the information of Council Members, the Western Australian Planning Commission and the Minister.

The total of 882 submissions shows the very high level of interest in the modified version of Amendment No. 46. The original version attracted only 41 submissions. There are sharply divided opinions in the community about the proposed significant modifications to the original version of Amendment No. 46. Numerically, both the supporting and opposing points of view are very strongly represented. While the number of supporting submissions is higher than the number of opposing submissions, the opposing submissions are also numerically strong, and they contain more individually expressed opinions.

After considering all submissions the Council must decide how to frame recommendations to the Minister, determining which submissions to uphold and which to not uphold and accordingly, to recommend on the final content of Amendment No. 46. In arriving at these decisions, the critical consideration is the validity of the submitters' respective arguments in support of, or in opposition to, each of the advertised significant modifications to the original version of Amendment No. 46. The decisions should not be based simply on the respective numbers of supporting and opposing submissions.

It is of interest to note that a large number of submissions, both supporting and opposing the proposed significant modifications to Amendment No. 46, were received from people outside the South Perth Station Precinct. The 'external' submissions have come from very widely dispersed geographic origins – from all over the South Perth district and from further afield. Amendment No. 46 is not site-specific. It affects all properties within the South Perth Station Precinct and will also have immense impact far beyond. In previous 'Reports on Submissions' for site-specific Scheme Amendments relating to land in other parts of the district, statistical and map-based information was provided about the origin of submissions because it was appropriate to give more weight to comments from submitters in close proximity to the Amendment site than to the comments from more remote submitters. However, having regard to the different nature of Amendment No. 46, in the interest of orderly and proper planning, equal weighting needs to be given to every supporting and opposing submission irrespective of its geographic origin. This being the case, no useful purpose would be served by identifying the 'origin of submissions' and therefore the report does not contain such information.

As previously stated, most of the supporting and opposing submitters have commented on each of the five significant modifications to the original version of Amendment No. 46. The strongest focus of the submissions is on the two proposed modifications introducing new constraints on building height - removal of the 'Special Design Area' designation from properties fronting the northerly portion of Mill Point Road; and introduction of absolute height limits for the properties remaining in the Special Design Area. Strong views were also expressed by both supporting and opposing submitters on the proposed increased front setbacks for properties in Bowman, Charles and Hardy Streets and, to a lesser extent, the northerly portion of Mill Point Road.

The proposal to introduce a mandatory 1.5 minimum non-residential plot ratio appears to be of lesser overall interest or concern, although it still attracted many submissions. Owners of Bowman, Charles and Hardy Street properties not in the Special Design Area are deeply concerned about this proposal as the redevelopment of their properties is

already constrained by an absolute height limit of 25 metres. These owners say the proposed increase in the mandatory non-residential component of any building, coupled with the proposed 4-metre street setback, impacts negatively on the economic viability of redevelopment of their properties; and makes it impossible to redevelop the single lots.

For a lot in the Special Design Area to be eligible for consideration of a building height variation, the current Scheme prescribes a minimum lot area and frontage, but also states that, if an 'under-sized' lot cannot be amalgamated with an adjoining lot, a 'minor' variation from the prescribed minimum lot area and frontage can be supported. The proposed modification to Amendment No. 46 will limit that variation to not more than 10%. This proposed modification has attracted less comment than the other modifications.

A number of submissions were received from representative community groups, professional institutes and State Government departments, etc. These are listed below, indicating whether they support or oppose the proposed significant modifications to Amendment No. 46 or whether their comments are not related to the advertised modifications.

Support proposed significant modifications
- South Perth Peninsula Action Group
- City of South Perth Residents Association Incorporated
- Perth Zoo
- State Heritage Office
- Cottesloe Residents and Ratepayers Association

Oppose proposed significant modifications
- City of South Perth Design Advisory Consultant group
- Urban Development Institute of Australia (WA) Inc.
- Australian Institute of Architects
- Property Council of Australia
- FuturePerth Inc
- Salter Point Community Group Incorporated
- Better South Perth Taskforce

Comments not related to advertised significant modifications
- Main Roads WA
- Department of Parks and Wildlife (Rivers and Estuaries Division)
- Water Corporation
- Department of Water
- Transport Department
- Atco Gas Australia

SUBMITTERS' COMMENTS

This section of the report contains a summary of the comments contained in the submissions and Council's responses to, and recommendations on, those comments.

The submissions have been classified into four categories, being:

1. Support proposed significant modifications
2. Oppose proposed significant modifications
3. Partially support and partially oppose significant modifications
4. Submissions not related to advertised significant modifications.

In assessing the comments contained in the submissions, the comments have been separately categorised under the headings of the five significant modifications, to enable each modification to be considered according to the respective supporting and opposing arguments expressed by various submitters. All comments have been recorded, albeit not necessarily in the actual words of the submitters.

In the case of Category 3 – Partially support and partially oppose significant modifications – the respective comments have been inserted, along with others, under the applicable headings below.

1. SUBMITTERS' GENERAL COMMENTS ON SIGNIFICANT MODIFICATIONS

1(a) SUPPORTING submitters' general comments

- The provisions of Schedule 9 of Town Planning Scheme 6 are being applied so liberally as to render the South Perth Precinct Plan meaningless. Proper planning for the Station Precinct is being held hostage to individual assessment of single proposals which may or may not tick the required boxes, but collectively will destroy the area. This is not proper planning. It is chaos.
- I commend this proposal to control this ridiculous situation in South Perth. The previous 'allowances' that have been approved by both the City of South Perth and JDAP are nothing short of ludicrous, in some cases four times the prescribed height. I personally cannot see any amendments I would like to add to the conversation. I totally give my support to this proposed amendment. Thankfully some elected members can see what is really best for our community.
- Very importantly, in the interests of good orderly and proper planning, and to mitigate more alarming and growing traffic congestion around the Mill Point Road / Labouchere Road intersection, population density targets need to be set to restrain property development in the South Perth Station Precinct. Moreover, given the comments by Transport Minister Dean Nalder (page 1 of *Southern Gazette* 24/03/15), *"PTA does not believe need for station at current time or in near future"*, population density targets need to be set:

  (i) where there is no South Perth Train Station; and
  (ii) where a train station is committed to being built, perhaps in 10 or 20 years' time.
- Submitters express concern and extreme disappointment that this so-called 'Station Precinct' has progressed at such speed to the current totally unacceptable predicament.
- Submitter is greatly inconvenienced by traffic disruptions due to construction in the area. Suggests that as well as relaxing development requirements for comprehensive new development in this precinct, the Council also relax the rates of local residents who will be inconvenienced by major development for some years ahead.
- It is important to preserve the current character of the City of South Perth and 29-storey skyscrapers would ruin our beautiful surroundings.
- Actions taken by South Perth Council Planning Officers, supported by JDAP, were effectively hidden from residents by deliberately poor community consultation. These actions can only be understood in terms of delivering to developers what they wanted. The actions of these Council Officers and JDAP members who voted to support them have been unconscionable!

- There should be adequate provision for car parking on each property.
- No trees should be removed.
- We need sensitive and sensible development in this area – this is not downtown Chicago, nor should it be allowed to turn into a gold-rush for developers.
- Continued development of tall buildings puts impossible strains on roads and infrastructure throughout the precinct – it will ruin it for ever.
- Submitter can't believe how anyone thought the original 'Special Design Area' was a good idea, together with Amendment No. 46. It is presumed that these decisions are made by people who don't live here and are unaffected by their decisions.
- The State Heritage Office notes that the subject area contains and is adjacent to several State Registered Heritage Places. Any development proposals which may affect these places will need to ensure that their heritage significance is retained. Development applications will be assessed on their merits and may not be supported if it is not demonstrated that heritage issues are adequately addressed.
- Submitter presents a case for limiting development in the area – that is, supporting Amendment No. 46:
  - I have captured as much information as possible, with help from the Council, to try and get a realistic perception of where we are heading – it does not appear encouraging.
  - I have also spoken to some prominent long-serving real estate agents in the area who very unselfishly have not only agreed with the principle being discussed, but also contributed positively with additional suggestions of their own.
  - Please spend more time looking for simple solutions rather than looking for fault in my summary / assumptions. We need to work together to minimise the impacts.
  - The changes to our planning scheme, allowing multiple high density dwellings, were predominantly driven and approved on the basis of South Perth attaining its own train station to assist with public transport and relieve traffic congestion. This has not happened and will not happen in the foreseeable future (5 – 10 years minimum if at all). It is the main justifiable reason for residents' and public annoyance, and mistrust of the Council / Government.
  - When the Planning Scheme 6 was adopted, approvals should have been "conditional upon South Perth train station being built" as the adoption of the Scheme was influenced largely by that.
  - I have circulated this to a number of people whom, together with others, could help us in our endeavours to resolve these issues. But, we are where we are, and we must address the issues moving forward constructively and must be proactive, not re active.
  - We should put an immediate hold on any further new planning applications until we address and resolve two of the numerous problems that will cause this suburb to, not only be unpleasant to live in, but bring about a gridlock in the precinct due to major traffic/ parking issues, particularly at peak times. Although there are other issues, the two major issues I wish to address are:
    1. Traffic congestion/flow
    2. Parking.
  - Whatever decisions were taken in the past must, and can, be altered NOW. We cannot let this continue regardless of unrealistic 'red tape' bureaucracy, lethargy or

even continue trying to protect or justify an unfortunate decision which could ruin our suburb.

- I have tried to propose quick and simple low cost initial suggestions – I am sure there are numerous other simple ways to start addressing just these two issues which appear to have been overlooked or ignored. The additional traffic flow will be enormous. Surely if the Government can change their minds at the drop of a hat, we can protect our suburbs. Over and above, the natural future development of higher densities will still occur, looking at the demarcated high density nodes in Scheme 6, Amendment 46 and the area in general.
- Attached are my calculations on which I have based my comments. Not necessarily 100% correct but close. (Figures supplied by Council Schedule attached). In addition to the summary, please also consider and take into account the following:
  1. Reduce the number of car bays and apartments by 150 for those demolished to make way for the new developments (done). This leaves us with approx. an additional 2,850 cars per day (if only used once/day) or 5,700 am + pm and an additional 1036 apartments.
  2. Add the number of additional times commercial bays could be used in any one business day?
     Supermarket Civic Heart – 10 times
     Medical – 5 times
     Day Care – 2 times
     Office – 2 times
     Retail – other continuous

     This multiplies, which are also applicable to the other new development commercial areas, will increase traffic flow on all roads substantially. i.e. Civic supermarket approx. 100 bays x 10 =1,000 in and out.

     The commercial lettable areas will be approx. 5-7 times more than we currently have. I have not included these multiple movements into my calculations.
  3. Elizabeth Quay opens Feb 16 – this will add substantial cars entering and parking in South Perth and using the Ferry.
  4. There will still be natural infill development taking place.
  5. I have taken the liberty of sending a copy to John McGrath as it is possible some items may be Federal decisions.
- In order to better explain his concerns, the submitter provides thirteen suggested methods of helping to deal with traffic flow / congestion; and seventeen ways of dealing with improvements to parking within South Perth Esplanade, Mends Street, Melville Parade and other parts of the precinct. All of these suggestions, together with tabulated data relating to new developments within the precinct, are available within Submission No. 1.62.

- The submitter suggested that Amendments 25 and 46 are at odds with the South Perth Station Precinct Plan (SPSPP) in which there is more emphasis on the residential component rather than the commercial/employment foundation that is necessary to justify a train station at South Perth as identified in the SPSPP. The SPSPP's vision and objectives that the station precinct was to become a destination for new employment rather than simply a higher density residential area in one small part of South Perth.
- A step in the right direction to counteract rampant ill-conceived developments at all costs.

- The submitter is concerned that Amendment 46 would increase the number of serviced apartments and there is no appreciable community benefit from this, while the negative effect on us will be extreme e.g. Mill Point Road traffic will become impossible to manage. The skyline of South Perth will lose its historical beauty.
- We support a ban on buildings which would cause shadowing to surrounding dwellings as it will limit future solar facilities, therefore not supporting energy-efficiency and sustainable design. It also detracts from general amenity. We support a ban on buildings which will cast a shadow on the South Perth foreshore area and zoo area. We support anything that will restrict additional traffic in the South Perth peninsula area, particularly in Mill Point Road North which already exceeds recommended volumes, and cannot be modified. It further hampers cycling and pedestrian movements. We support the necessity of a development application passing ALL necessary performance criteria before any bonuses are applied, and we further support very limited discretion for bonuses - why have any rules if they can be ignored or rationalised away. We support the adoption of a treed/green stepped cityscape, with tallest buildings near the civic centre and lower buildings at the edges (the opposite of that in Plan 3) - a generally adopted philosophy in most well planned cities. The submitters were concerned that the amendment will cause developers to only seek to maximise profits at the expense of the current residents, traffic authorities and good planning practice.
- I support a ban on buildings which would cause shadowing to surrounding dwellings as it will limit future solar facilities which does not promote energy-efficiency and sustainable design.
- The submitter suggests that there is a need to provide public open space for community involvement, with innovative new infill developments to replace the loss of private landscaped space.
- Submitter questions the state of the existing infrastructure and its ability to cope with the increased development as a result of this Amendment. Existing traffic congestion along Mill Point Road is likely to increase and impact not only on new and existing residents but also business owners and staff. Parking will also be a major issue. In future all residents within the City should be consulted in relation to major developments in the district.
- The submitter questions the need to build on Richardson Park that looks to encroach on green space which is considered valuable to the community. The idea of increasing building height has merit however encroaching on green fields does not. The Amendment is very positive.
- The submitter supports the modifications but points out that high-rise development like those overseas can be successful, provided they are designed for 'living' including no common walls with bedrooms, encouraging recycling and beautiful common areas with developed green spaces at multiple levels.
- The submitter has no issue with increased density but says it must be done in an orderly and thoughtful way, with more investigation into the impacts of high-rise development on the area and on existing heritage and character of the area, traffic, parking, access and shadowing.
- I fully support the 'modified' Amendment 46 particularly to do with the Special Design Area because it rectifies the anomalies, ambiguities and the unrestricted 'open-endedness' of the arbitrary 'variations' provisions in the current Scheme, which in my opinion have been very open-endedly and unrestrictedly applied.
- We cannot support such intense density.

- The submitter supports the modifications and points out the developments proposals for high-rise buildings will increase volume of traffic causing stress to residents and road users. There is already significant traffic congestion at peak times at traffic lights at the junction of Mill Point and Labouchere Roads and on the on-ramp.
- The submitter supports the Amendment as the traffic in the Peninsula area is a problem now. The addition of skyscrapers to the area would make it worse. How is it proposed to rectify the traffic nightmare that will evolve when clearly there is no room to widen or build new roads around the Peninsula area?
- The submitter supports the amendments and suggests that the interests of the existing ratepayers and not the developers should be considered. The traffic will become an irreversible nightmare that should be considered before it is too late as it will end up costing ratepayers. The film *"The Big Short"* illustrates the problem.
- The submitter supports the Amendment but questions if anyone has considered the safety impacts of objects being dropped from a 29-storey building onto the footpath below. Due to there being no setback, this can cause fatal injury.
- Very unhappy about the unfettered development in South Perth recently with ridiculous heights proposed and devastating loss of streetscape with buildings right up to the verge.
- The planning crisis in South Perth is affecting Perth by irreversibly altering the skyline and by setting precedents for ad-hoc, ill-considered planning decisions across the whole metropolitan area. Traffic management, vehicle parking, and social impact become the nightmare for local councils once the developers have made their money and gone. No bonuses or concessions should ever be applied.
- I support anything that will restrict additional traffic in the South Perth peninsula area, particularly in Mill Point Road North which already exceeds recommended volumes, and cannot be modified. It further hampers cycling and pedestrian movements.
- The amendment will safeguard all proper planning in the area and ensure the best outcomes for the people of South Perth and Western Australia. I am not against development (or high rise) but am against legal loopholes in the poorly worded and ambiguous Scheme that only serves the interest of the commercial developers who may not even live in the area.
- We would be horrified to see the Peninsula transformed to high-rise as this is the Nedlands of South Perth and we don't want the train station as we have enough transport facilities available.
- Podium-style buildings should be resisted at all costs as this is a design response that is contrary to South Perth environment and simply caters to developers' desire to eliminate costs associated with below-ground car parks. Podium-style in and around Mends Street is appropriate due to the total absence of a residential element, though still a lazy design solution and more befitting Adelaide Terrace. Setbacks should be more consistent with the best practice in the existing streets as is relevant to the proposed development, not the last setback least in the street. Street setbacks in Mill Point Road are consistently 8 to 10 metres on average. This permits great street trees, landscaping and off-street parking.
- The freeway MUST have a clear and free access on and off at all times. If there are any issues with construction of the already approved high-rise near this intersection, the traffic could back up on the freeway due to the inability of cars to exiting at this point. Once the Civic Triangle construction goes ahead, who is going to control which construction has priority. The residents of the peninsula have a right to go about their daily business without hindrance caused by developers on the peninsula or the Civic Triangle who have not

carried out traffic control studies on any roads. Why should developers be allowed to close off roads to traffic? If a small road like Harper Terrace needs to be closed off, then a huge error has been made in granting of the permission for the high-rise tower on the bend of Mill Point Road just before reaching Harper Terrace.

- The submitter is a long-term resident of South Perth and has seen much development over 60 years. The submitter is outraged at the grossly excessive overdevelopment occurring on the Mill Point peninsula as there are six new and substantial high-rise developments within the 100 metres of their address. There is concern that these developments have been approved without any increase in infrastructure to cater for electricity, water, sewerage, car parking, road access and public transport. There are grave concerns about their parking on the premises which is paid for, may constantly be violated, and street parking is becoming impossible.
- As a long-term resident of South Perth I have watched with dismay as the historical landscape and its accompanying heritage values have been swamped and smothered by thoughtless development. Medium density offers a balance between the need for urban infill and a future for South Perth that is both family-friendly and welcoming to our many visitors.
- Are the contractors who wish to build these New York-style buildings also going to build a new water desalination plant to provide water for all the occupiers of these proposed skyscrapers?
- Unless some controls are put on developments that have only one object i.e. to maximise profit without any regard for the amenity of the surrounding residents, then South Perth will become a 'wall of ugly high-rise buildings'. Allowing multiple 30-40+ storey buildings within a square kilometre area will have a huge negative impact on the many facets of living in what was previously a beautiful and pleasant, vibrant city. We understand the need for the City of South Perth to secure a growing rate base and expand the opportunities that a train station will bring, but unlimited heights and no setbacks and multiple high-rises will negatively change beautiful South Perth forever.
- The submitter highlights that traffic flow into and through the Peninsula area needs to be considered and any development application needs to be accompanied by a traffic study indicating the extent and management to be applied. The City of South Perth should also prepare a study and management plan for traffic and car parking. The submitter also suggests there should be strategies identifying ways of encouraging more use of public transport and non-use of cars. Developers should also be involved in encouraging the use of public and alternative transports. Both the developers and the City of South Perth need to lobby the State Government to bring forward plans for building the train station and for ferry expansion to cater for increased usage. Timing or staging development should be implemented to correspond with the development of alternate traffic and transport options - one without the other will bring chaos. The submitter is in favour of the amendments but more needs to be included to manage traffic, parking and congestion impacts.
- Without this amendment, development is left to the developers and their greed, disregarding the residents' wishes and this will ultimately be a disaster for South Perth. The additional traffic in the area will be unmanageable. This will be the end of South Perth as we know it, turning it into a windy lifeless concrete jungle. Come on, Councillors, we can do much better than that.
- Discretionary variations should only be exercised and allowed when the intent of the codes and guidelines are followed in their entirety. Impacts need to be considered as a whole, and although one variation considered in isolation may not seem large, often

when taken as a whole, the impact is quite obviously excessive in comparison to what a reasonable person would be expected to read the regulations and town plan.

- The submitter has concerns that the introduction of high-rise or high density cityscape will not benefit the residents and ratepayers and that high-rise should be restricted to the Perth City centre as it will desecrate the environment already enjoyed in South Perth.
- There are few areas in Perth which have such long history and it seems from my last visit that what was left of the history is being destroyed by rampant and out of control development. You had something unique in South Perth and you are very quickly destroying it. If this Amendment can curb some of that then I totally support it. No city can cope with the sort of change to population and increase in traffic that these high-rise monstrosities are going to bring.
- The submitters refer to *"Directions 2031 and Beyond"* and how Amendment 46 may contribute towards the overall planning for the city. South Perth is predicted to have a slower growth rate than Western Australia as a whole – in 2011, a population of 43,620 increasing to between 55,640 and 58,520 (1.64% and 1.98%) by 2016 compared with the growth rate of the State as a whole – between 1.77% and 2.59%. This raises the question as to how much additional residential capacity is required within South Perth. The State Government has indicated that it wants the City of South Perth to accommodate an additional 8,300 dwellings by 2050. Also raises the question of where the additional dwelling stock should be located. The draft "*Planning Framework*" provides some clues as to where a concentration of activity can be anticipated, and identifies three activity centres in (or partially in) the City of South Perth: the north-western portion of the Bentley-Curtin area; Canning Bridge; and the Judd Street / Melville Parade / Richardson Street / Labouchere Road / Mill Point Road east / Mends Street area. The latter area is, of course, the area covered by Amendment 46.

  The new draft of *"Liveable Neighbourhoods"* (Element 1 – Community Design, Housing Choice and Residential Densities Neighbourhoods) advocates residential densities reducing as you go further away from the activity centre. This again suggests the Mill Point Peninsula should not expect to have the same level of intensity of development as could be expected in the heart of the activity centre. Nevertheless, in the context of the broader planning framework the State Government seeks to implement in the City of South Perth, additional development can be expected in the area of Amendment 46. This is entirely consistent with the expectations arising from the *"South Perth Station Precinct Plan"*. However, what this does NOT mean, is an open-ended opportunity for development in the Amendment 46 area (and must be maintained as per current Scheme provisions) to meet the objectives of the *"Planning Framework"*.

  Assuming the City of South Perth is happy to accept the additional 8,300 dwellings to accommodate the additional people expected in Perth by 2050, they do not all have to go into the area covered by Amendment 46. The Canning Bridge area is larger, and already has a train station as an incentive to accommodate higher densities within its catchment. The north-west section of the Bentley-Curtin area offers enormous opportunities especially when government offices currently located there relocate as expected long before 2050. That area is slated to be served by light rail at some point in the future. Of course, in addition, there will be infill development within the urban fabric, but it is acknowledged this will be relatively small-scale compared with what may be expected in the activity centres.

  The provisions in Amendment 46 to contain the level of development within that part of South Perth (albeit with the modifications previously suggested in an earlier submission) is entirely consistent with the broader objectives put in place by the State Government.

- Performance Criteria 4 and 8(c) seem to conflict. Criterion 4, by stating the maximum number of bays that can be allocated, seems to allow for bays not to be provided for units. All units must have car bays to prevent the clogging of roads and preventing people outside the area finding parking when visiting the precinct. Criterion 8(c) then provides for at least 20% of the units to be allocated parking bays.
- Table 1 - Development controls for comprehensive new development, Element 2 ground floor land uses – preferred and discretionary: add a preface to the development requirements 2.1 et al *"To enhance the public/private interface of Elements 7, 8 & 13, and in particular item 7.5.1 (a), the ground floor of each development in the Precinct shall provide public space which incorporates accessible areas such as a forecourt, a plaza, special landscaped or garden area, a featured tree or a casual alfresco piazza in which there may be cultural activities or display areas for public art."* The community vision expects new developments to be pedestrian friendly, innovative and to provide active shared spaces with greenery to connect and create a sense of community while retaining the attractive streetscape amenity and heritage.
- The submitter comments on details of the Amendment as follows:
  - In association with Schedule 9A, Plan 1, Sub-Precincts, amend the Scott-Richardson sub-precinct by excising the area north of Judd Street through to Scott Street. Amend the Stone-Melville sub-precinct to add the area north of Judd Street to Scott Street, excised from the Scott-Richardson sub-precinct. Judd Street is a significant road/freeway access which dislocates the northern area from the station's pedestrian link. The general character, amenity and use are also more consistent with Stone-Melville.
  - In Element 8: Side and Rear Setbacks, Item 8.1: Amend "Subject to Development Requirement 8.3, for both residential and non-residential components of a building, podium walls shall have a zero setback from side and rear boundaries only where the adjoining property already has a nil setback. No discretion is allowed to approve any development with a lesser setback than its neighbour." The Council may approve a greater setback where the development meets the intent of the related the guidance statement." As with Item 7.1, the boundary wall with a 'nil' setback podium can cause an overpowering, dominating and severe disruption to the visual amenity and character of an adjoining property which already has a setback greater than Nil.
  - Item 8.2 (a) Delete: 'For non-residential components: 3 metres minimum.'
  - Item 8.2 (b) Amend: 'For residential components': Not less than the setbacks prescribed in Table 5 of the Codes which *shall* apply to both side and rear boundaries.
  - Item 8.2 (d) is intended to achieve a consistent setback and visual (view corridors) aspect between adjacent and surrounding buildings in the Precinct which has a mixture of residential, commercial and mixed developments.
  - In association with Element 9: Parking, the following comments apply:

    'Item 9.1 (b) (iii) Non-residential "visitor" parking does not address/clarify provision of short term, delivery type, off-street requirements, nor signpost/ marking.'
  - In association with Element 12: Landscaping and Outdoor Living Areas the following comments apply:

    Item 12.1 Amend the Development Requirement to read: 'A landscaping plan meeting the intent of supplementing local public open space shall be submitted as

part of the application for planning approval'. Add '(c) Landscaping equivalent to 10% of the site is intended to maintain the greenery of the Precinct as private gardens space is replaced by infill development. Developments incorporating public landscaped rooftop gardens with treed areas are required to provide open space while hanging garden walls may supplement the greenery character.'

- In association with Table B: Performance Criteria for Special Design Area the following applies:

  Design Consideration, Item 7 Additional Community Benefits

  Performance Criteria Requirements - Add a preface and then amend:-

  'For building ~~height to a maximum of 30 metres~~ above height limit shown on Plan 3 'Building Heights' all of the following are required:

  (A) The proposed development provides a ~~community~~ benefit *to the local community* above and beyond a development complying with the requirements of Table A, *when incorporating exceptional architectural design and* by meeting ~~at least 3 of~~ the following 7 criteria:

  (i) High quality, *public*, active street frontages, *which occupy a minimum of 50% of the street frontage* ~~street art, furniture and~~ *with visible* ~~landscape~~ features *encouraging community involvement.*

  (ii) *Exceptional* landscaped *open* spaces *within the development* and/or other facilities accessible to the public such as ~~gym equipment and public art~~. *podium and/or roof top landscaped garden with appropriate trees covering an area of not less than 10% of the site.*

  (iii) ~~Either~~ *Provision of significantly greater (>25%)* view corridors and/or preservation of mid-winter sunlight to adjacent land or buildings ~~or both~~ *via exceptional architectural design.*

  (iv) Improvements to pedestrian networks with *landscaped streetscape and plaza or forecourt suitable for public art display, incorporating* ~~and~~ public security, *which reduces the perceived visual impact of the podium frontage on the streetscape character.*

  (v) *Significant* ~~Community communal and/or commercial~~ meeting facilities *required by Council.*

  (B) PLUS –

  1) For building height above height limit shown on Plan 3 'Building Heights', Category A, at least 3 of the following:-

  (i) At least a 5-star Green Star rating, or equivalent

  (ii) Charging station for electric cars within the development.

  (iii) A green travel plan to be developed and implemented for the development

  (iv) Minimum of 20% of the residential units are to meet the Adaptable House Class C of Australian Standard AS 4299 (Adaptable Housing).

  (v) The ownership of a minimum of 5% of the residential units is to be transferred to a registered social housing organisation, to be managed as affordable housing through a program recognised by the Department of Housing, for at least 20 years from the date of occupation of the building.

(vi) For use by visitors to the proposed building or to buildings on any other site, cyclists' end-of-trip facilities including secure bicycle storage facilities, change rooms, clothes lockers and showers.

2) For building height above height limit shown on Plan 3 'Building Heights', Category B at least 4 of the following:-

(i) At least a 5-star Green Star rating, or equivalent

(ii) Charging station for electric cars within the development.

(iii) A green travel plan to be developed and implemented for the development.

(iv) Minimum of 20% of the residential units are to meet the Adaptable House Class C of Australian Standard AS 4299 (Adaptable Housing).

(v) The ownership of a minimum of 5% of the residential units is to be transferred to a registered social housing organisation, to be managed as affordable housing through a program recognised by the Department of Housing, for at least 20 years from the date of occupation of the building.

(vi) For use by visitors to the proposed building or to buildings on any other site, cyclists' end-of-trip facilities including secure bicycle storage facilities, change rooms, clothes lockers and showers.

3) For building height above height limit shown on Plan 3 'Building Heights', Category C at least 5 of the following:-

(i) At least a 6-star Green Star rating, or equivalent.

(ii) Charging station for electric cars within the development.

(iii) A green travel plan to be developed and implemented for the development.

(iv) Minimum of 20% of the residential units are to meet the Adaptable House Class C of Australian Standard AS 4299 (Adaptable Housing).

(v) The ownership of a minimum of 5% of the residential units is to be transferred to a registered social housing organisation, to be managed as affordable housing through a program recognised by the Department of Housing, for at least 20 years from the date of occupation of the building.

(vi) For use by visitors to the proposed building or to buildings on any other site, cyclists' end-of-trip facilities including secure bicycle storage facilities, change rooms, clothes lockers and showers.

- South Perth is considered a beautiful area and should not be flood with high rises. The existing project area already struggling to find buyers and by flooding the area with new apartments you are devaluing all of the existing ones. The area should not become the next Northbridge. South Perth needs greater accessibility but not greater housing.
- The proposed amendment will restore public confidence in the statutory planning process and will install within the specifically prescribed areas the necessary limiting development controls as to what is allowed or not allowed to be approved.
- I support it in all aspects but in particular the limits it places on discretion.

- Shadowing from these very large buildings will limit future solar facilities which do not promote energy-efficient and sustainable design. Council communication of new proposals should be extended to the occupants of any property which will be shadowed by the new proposal at any time of the day.
- In my opinion, there is no need for South Perth to hurtle head first into allowing high-rise development to the extent permitted by Amendments 25 and 46. This is because to the extent that they are based on large and continuing population increases of the type experienced up to 2012/13, these 'once in a hundred year' boom time growth levels have passed with the boom. The population growth projections for WA are based on previous 'boom time' population growth rates continuing indefinitely and are unrealistic, outdated and unreliable. The precautionary principle should apply to changing the face of South Perth so that its existing amenity, heritage and green character should not be unnecessarily destroyed to accommodate a population boom that it now appears is unlikely to ever eventuate.
- I am definitely in favour of areas of our suburbs, especially inner suburbs, zoned to become quite dense. However it must be designed such that good standards are maintained to ensure the quality 'liveability' factor is always considered.
- In supporting this amendment I feel this area is most attractive as it is – I think that allowing huge development like 44 storeys would spoil the ambience of this pretty suburb.

1(b) OPPOSING submitters' general comments

- Submitter presents wide-ranging reasons for opposing Amendment No. 46, grouped under three main areas of concern:
  - governance and poor planning;
  - future-proofing – taking into account the needs of future generations;
  - lack of deliberative community process.
- Restrictions in modified Amendment No. 46 are at variance with future planning in accordance with the State Government's *'Direction 2031 and Beyond'* planning strategy which fosters high quality inner-city development in key locations well served by public transport, to meet future population growth.
- Modified Amendment No. 46 is contrary to objectives from the City of South Perth *"Our Vision Ahead"* community workshops embodied in Amendment No. 25.
- For some years, the Council and the community have been aware of the implications of the amendment to TPS6 (No. 25) to accommodate further development in the South Perth Station precinct. Amendment No. 25 was implemented after many years of review and professional external consultation - the right future plan for South Perth, also attending to the concerns of residents outside the precinct regarding back yard infills and traffic. It is astonishing that a group of Mill Point Road residents could persuade Council to make changes challenging their own desired outcomes, with such detrimental effect on the rest of the precinct landowners and the future of the precinct.
- The Council cannot now say they had no idea that Amendment No. 25 would allow high buildings.
- While Scheme Amendment No. 25 involved exhaustive community consultation over some years, with public forums at the South Perth Bowling Club, the proposed radical modifications to Amendment No. 46 did not.

- Years of detailed, well-considered planning has been undone by Council promoting the changes to Amendment No. 46, driven by a small number of residents on the South Perth Peninsula. In the framing of the changes, there has been a complete lack of transparency, appalling lack of community consultation, and lack of planning justification – no supporting planning and architectural reports and studies.
- The modifications to Amendment 46 have hastily emerged with little knowledge by the wider community. A majority of my community network are angered that following exhaustive studies, community discussion and stakeholder involvement for Amendment 25 over several years and approved in 2013, it is proposed to be changed. We can see construction has commenced on several tall buildings in the South Perth peninsula and embrace the vibrancy and ambiance these buildings will bring to South Perth. We ask what has changed in such a short time.
- South Perth residents must take a long term view of growth and the practical fairness that underpins higher density in the city. Today's planning decisions are always about the future, which requires bold endeavour from the community and its leaders.
- South Perth is emerging as a major infill precinct. The development under way or proposed represents a major investment in the local area, creating more places to live, shop, and eat, as well providing local employment opportunities. South Perth is one of very few areas in our sprawling metropolitan area that has good access to the CBD, city views, high amenity, and that is in high demand. Any steps to limit the ability for South Perth to evolve into a major inner city hub would be a major mistake, resulting in the transfer hundreds of millions of dollars of investment outside the area. The City must take into account its greater strategic responsibilities to Perth. The somewhat flexible nature of the existing planning framework has triggered a range of excellent developments. The proposed imposition of severe limits on height is a backward step. No planning framework can envisage every development outcome, and the best planning frameworks have discretion and flexibility. Rigid limits represent poor planning, and appear to have been crafted by anti-change residents who ironically live in apartment buildings also. South Perth must make the transition from a quiet suburban area to an urban area that is reflective of its proximity to the CBD, and that can also justify its transit infrastructure ambitions. Amendment 46 as proposed should not be adopted, and instead a revised amendment expanding the Special Design Area and increasing development flexibility should be pursued.
- At the very least put this back for public and professional comment. The Council's 'behind closed doors' activities have many of us suspicious. Please be open about this like Amendment No. 25 was.
- At the 6 May 2015 Electors' Meeting, a principal speaker stated that residents of the peninsula north of Judd Street do not care what happens south of Judd Street. They just want their area to remain unchanged. Therefore the proposed far more drastic modifications to Amendment No. 46 are unwarranted. A more nuanced approach to density could be implemented north of Judd Street.
- To cap heights in this inner-city suburb within a city crying out for increased density living is shameful and clearly shows a lack of vision. South Perth needs progress, not this far and beyond too late underhanded attempt to derail a scheme that is already in motion.
- Why did the Council advertise the Amendment No. 46 modifications over Christmas / New Year, contrary to Council Policy P301?
- In any other Australian city, a vocal minority would not be allowed to cause such a change of direction. To capitulate like this will do a great injustice to the state as a whole.

- Redevelopment of the precinct had been progressing in an orderly manner until issues arose in connection with the proposed development at No. 74 Mill Point Road. Those concerns have unreasonably tarnished the prospects of orderly development throughout the precinct and particularly in the portion north of Judd Street.
- Good development is a process of renewal, providing additional residential stock centrally. This is better for the environment and more efficient in community development than suburban sprawl.
- The precinct is ideally located for large-scale redevelopment as it is surrounded by the river, golf course and zoo, thus limiting the effect on amenity of existing property owners.
- The area bounded by Judd and Richardson Streets is in desperate need of redevelopment. It comprises primarily old houses converted to offices and tired old residential buildings. In this area, the streetscape is devoid of trees and verges are predominantly dried grass. The impact of the proposed changes to setbacks and plot ratio will be to stop development.
- Restrictions in modified Amendment No. 46 risk future development in the City of South Perth focussing on widespread lower density development of back yards and more battle-axe subdivisions.
- Jeopardises long-term plans for South Perth train station and other public transport improvements, such as 'CAT' buses or even light rail. A train station would bring about a badly-needed increase in pedestrian numbers and have a positive impact on the identity of the precinct. Opponents seem overly concerned with traffic and parking, although this has little impact on the vibrancy of the area. Traffic impacts would be nullified if a train station were to exist.
- Higher density development will support a cultural shift to more sustainable modes of transport.
- Major cities achieve sustainability through high population density, generally in their most central areas. Given the vast green spaces in South Perth, the only way to achieve strong population density is to build upwards. South Perth uniquely draws a higher level of architecture and quality and is best suited to high density build-up.
- This inner-city area, the second most visible urban area in WA, is a place where people who like tall buildings should be able to have them. In recent times, some beautiful tall buildings have been approved in this area. Please don't abandon this trend to appease a handful of people. As an environmentalist, I believe it's important to have as many people as possible living in high density areas with good public transport and amenities. Have moral courage on this matter or risk continuing mediocrity.
- The City as a whole is in growth and South Perth needs to keep up.
- Like many of our previous neighbours, we intend to down size from our existing quarter acre house and move to a high-rise home unit in the South Perth peninsula precinct, passing the family home to one of our children who now has a young family, enabling us like many others to enjoy housing choice through the cycles of life in a locality we love.
- Buildings should be allowed to go higher, provided they lead to better community outcomes.
- As an older couple, a peninsula high-rise hub is where we would live. It would bring diverse housing choice to an area my kids could afford until they were at an age and demographic needing a house for their family/kids, rather than moving into the sprawl.

- Most people I know would rather be in a built-up area near everything. No one wants blocks of flats spread around the district. It doesn't make sense to have everyone spread out, with battle-axe blocks everywhere.
- Development will bring an eventual new train station, new jobs, new ratepayers, new reasons for South Perth to be a destination for tourism and a thriving community for the next generation, not just the idle resting place for a few old wealthy people. New restaurants, small bars and boutique shops will improve the desirability of South Perth and will give people a reason to start visiting for something other than just the zoo and Coco's. You have the chance now to capitalize on recent developments of *Elizabeth Quay* and *Riverside*; to become part of the interconnected vibrant fabric of the city. Please don't squander it for us all.
- At the 3 December 2015 community information session, I spoke about the impossibility of developing my small lot. I am dismayed that Council is still trying to push ahead with the modified Amendment No. 46, knowing that many landowners are 'land-locked' or cannot amalgamate because adjoining owners have no interest in sale or redevelopment.
- The South Perth Station Precinct is a key activity node within the Perth metropolitan region. The vision should be varying building form and height, maximising floor space, high density residential development and increased commercial floor space for more employment opportunities. The proposed changes to Amendment No. 46 are not consistent with that vision, are not based on sound 'planning' grounds and are contrary to orderly and proper planning.
- Due to the inner-city location next to the Swan River, the precinct is in a prime position to develop into an attractive, active, sustainable activity centre that could attract tourism, support increased density and curb unsustainable urban sprawl.
- Expert input into the urban design process has value and should not be discarded lightly. To change plans now as an afterthought appears to be 'planning on the run' and does not make sense.
- The Council should be considering the future planning for South Perth and not the personal demands of some members of the local community.
- The broader community has a legitimate interest in this area being developed in a more vibrant way, accommodating residents and businesses who are now locked out, and allowing the cost of the City's services to be spread more broadly. These interests should not be subordinated to those of a handful of property owners.
- Radically changing the Scheme after such a short period in operation is not an orderly approach to town planning matters. It is in the interest of all ratepayers that there is a reasonable degree of certainty.
- A number of development approvals have been granted in the South Perth Station Precinct based on the provisions introduced by Amendment No. 25. It is not acceptable to now constrain future development in the proposed manner.
- The peninsula is the perfect place for high rise.
- The recently approved high-rise buildings in the peninsula area, will become a feature of South Perth and add to the diversity of housing and work choice.
- I oppose the proposed changes to Amendment No. 46 due to restrictions on development with adverse impact on future generations. Have the courage to allow and champion change.

- Imposes artificial limit on development. For a location so close to CBD, development should be driven by market demand.
- Tall buildings provide a sense of place, a focal point. South Perth needs its own skyline to further nurture the sense of 'self' and identity.
- More residents in tall towers will potentially support a marina and waterfront development at the Old Mill.
- Rather than increased restriction on building height, there should be less restriction. Adhering to old-fashioned concept of low, squat buildings restrains the City from being modern, vibrant, forward-looking. Increased residential density should be embraced. Recently approved high-rise developments will transform the City for the better. More should be encouraged.
- At present, the peninsula looks dull and uniform as viewed from the CBD. The whole peninsula should be transformed into a vibrant urban area, activated by cafes, restaurants, and retail with an increased residential population. The Council is to be congratulated on the development approved so far - much better than East Perth. Please allow this to continue.
- We need a more community-minded environment to live in and visit. South Perth is dragging badly behind other vibrant, lively inner-city suburbs. Mends Street is not attractive for a night out with family and friends. While having been a resident for more than 40 years, I'm considering a move to a more progressive inner-city suburb.
- I love high-rise buildings as they become iconic and allow a greater number of people access to a fantastic area in and around the peninsula.
- After 20 years' ownership, it is very disturbing to see the development potential of my Charles Street property taken away.
- The precinct should reflect the Perth City skyline.
- Proposed height restrictions will limit the number of additional apartments in the precinct, resulting in spreading more apartments throughout unsuitable single family areas in other parts of the district. I do not want more low-rise dwellings like those on the corner of Rea Street and Labouchere Road.
- While the precinct is a desirable place to live, it could benefit from more day-time and night-time activation including office, retail. Proposed changes to Amendment No. 46 will restrict the precinct from becoming a lively urban centre.
- The precinct should be extended to include the whole Mill Point peninsula.
- Cities and fringe CBD areas change over time in virtually all urban built environments.
- The current Scheme will achieve a better range of affordable housing choices, enabling our children to remain in South Perth.
- It would be extremely unfair for landowners to suffer financial loss, should allowable building heights be diminished, as owners have relied on the operative planning rules for some years.
- The proposed changes appear arbitrary. For example, why does Bowman Street have significantly greater restrictions than Lyall Street?
- Vancouver and Seattle are cities of similar size to Perth and each have experienced a rapid rise in population as predicted in Perth. Experience in these cities indicates that high-rise apartments have a lesser number of cars per dwelling than dwellings at lower

density spread across the city, and there is also less car usage per dwelling in high-rise apartments. The Committee for Perth has documented evidence of this.

- Submitter from Ridge Street has offered constructive suggestions regarding ways to alleviate traffic congestion. These suggestions do not relate to any of the advertised significant modifications to Amendment No. 46 however they have been passed to the Manager, Engineering Infrastructure for consideration.
- The Salter Point Community Group do not support Amendment No. 46 as it is not justifiable and is only being promoted to appease the interests of a small number of apartment owners in the Special Design Area to the detriment of residents' amenity across the entire City of South Perth.
- Some owners have relied on their ability to develop under Amendment No. 25 rules and have chosen not to amalgamate with neighbours in that knowledge. If the rules change, those landowners who quite properly and logically made a decision based on Amendment No. 25 should be compensated. It is outrageous that landowners who have spent three years planning their project on the basis of Amendment No. 25 will now be forced to abandon them.
- Allowing significantly higher buildings on the perimeter streets with lower buildings in the central areas, is likely to bring about a most undesirable outcome. Residents in the central areas would have no views and would be surrounded by tall buildings obstructing any potential views.
- This is a political exercise rather than a planning exercise and that Council has allowed itself to be used by a local community action group as part of a very deliberate legal and planning strategy to ensure the defeat of the Lumiere proposal at 72 Mill Point Road and other developments. The NIMBYism of this blatant and transparent strategy, and Council's willingness to support this strategy is a total abuse of process. This is made all the more disturbing by Council's decision to appoint consultants to review the operations of the current TPS as it applies to the Special Design Area only to adopt changes without reference to that process. The 'behind closed doors' approach to these amendments can lead most observers to the conclusion that the substantive changes to amendment 46 were drafted and provided to council by consultants working for the Save South Perth Peninsula Action Group and subsequently adopted by Council. Given this concern, accusations that developers are 'getting their own way' based on a two-year open and transparent process by Council is both disingenuous and misleading.
- Submitter is extremely concerned that Council has forgotten its own self-interest in previously supporting the current TPS – especially in relation to its commercial land sales to developers and business people in the Special Design Area. Council has sold land – at a premium – to developers and unanimously supported the building of large mixed-used apartment and commercial developments and yet is now seeking to arbitrarily restrict those same opportunities to other landowners who have made legitimate and costly investment decisions based on goal posts the Council is now moving.
- Those landowners, architects and developers who are investing in South Perth and the Special Design Area are doing so because they are responding to market demand. It is quite remarkable that a small group of residents – buoyed by legal action taken by individuals who are part-time residents of Mill Point Road – can use Council processes in such a cynical manner, and does not serve the longer-term interests of the Council, the people of South Perth or the wider development of Perth, especially in challenging the viability of a future train station at South Perth and the estimated $240 million worth of development.

- Amendment No. 46 has not been thought through properly and does not represent the true intention of its predecessor, Amendment No. 25.
- Owner of properties at 7, 8 and 10 Lyall Street sees Amendment No. 46 as a negative and undesirable direction, after years of consultation on Amendment No. 25. Any change should be via a similarly rigorous process. Those who object to more activity in the area should realise that this was always the purpose of Amendment No. 25.
- Local resident with an interest in 14, 16 and 18 Hardy Street, objects to Amendment No. 46 after following to long process of Amendment No. 25. He sees little justification for the changes now proposed. These changes will affect the viability of properties and reduces the flexibility of design. If Amendment No. 46 is adopted, there could be a considerable loss of community confidence in the Council's due processes and its ability to plan for the future.
- Height restrictions will make it harder to find a decent-priced apartment. It will also limit Council's rates.
- Amendment 46 runs against the grain of the original intent of Amendment 25, which was to introduce special provisions to encourage comprehensive urban renewal and mixed use development in the South Perth Station Precinct, with a long term view of justifying a railway station to service the Precinct. Amendment 25 provided the City with an opportunity to meet its population growth targets under the State Government's 'Directions 2031' by encouraging mixed use, high density development within identified Activity Centres, including the South Perth Station Precinct. Amendment 25 has been a major catalyst for urban renewal within the South Perth Station Precinct, with many new developments now under construction.
- The State Government has clearly identified the need for greater density and greater amenity throughout Metropolitan Perth. I can think of no better opportunity to deliver that than in an area such as South Perth, which is ideally located on the doorstep of the Swan River, CBD and key rail and transit links. The proposed modifications to Amendment No. 46 will restrict the majority from accessing and living among a special part of Western Australia, meanwhile protecting the few. NIMBY-ism ('Not in my back yard') is a dwindling view in a progressive Perth and it belongs in the 20th century. Those arguing against what is in the State's best interest for their own personal benefit are letting Western Australia down. Greater density, brings greater amenity, greater activity, greater diversity, greater opportunity of having a train station at Richardson Street and overall a greater sense of community. The City of South Perth has not only an opportunity, but also a responsibility, to deliver a world class, thriving, precinct for the benefit of its residents, the people of Perth and beyond that to the visitors of this tourist destination. I urge the City of South Perth to think, not with a 1950s mindset, but progressively towards 2050 and beyond and reject Amendment 46.
- We are opposed to the Amendments to height limits, increase of non-residential plot ratio and setbacks in Table A of the amendment we believe the combined effect will have significant impact on the Employment Self Sufficiency of the South Perth Station Precinct and until that effect is properly investigated (including traffic generation is understood) the proposed changes should not proceed.
- It is ridiculous that the City of South Perth could contemplate Amendment 46 following so close to amendment. The dust has not yet settled on Amendment 25. Amendment 25 was duly promulgated and become active in January 2013. Barely two years later, the City is attempting to adopt Amendment 46 (in a hurry).

- We are extremely concerned and disappointed at the actions of Council in supporting and promoting this Amendment and deciding to turn its back on years of detailed and well-thought out planning that lead to the creation and adoption of the current Town Planning Scheme. We are also extremely concerned at the lack of transparency and planning justification to support these changes. Amendment 46 would have widespread unintended consequences for future planning in Perth and in particular:
  - The State Government's *Directions 2031 and Beyond* planning strategy and the need for high quality inner-city development to meet future population growth;
  - The future viability of a train station for South Perth at Richardson Street and improved ferry services to the City and Elizabeth Quay;
  - The removal up to 20,000m^2 of developable land threatening more than $240 million in direct construction investment resulting in an estimated 8000 direct and indirect jobs; and
  - The risk of future inner-city urban development in South Perth focussing on a 'vegemite spread' of backyard and battle-axe low-rise development.
- Local resident (Angelo St) and employee (Mill Point Road Peninsula), who has lived in South Perth almost my entire life finds it a great location, although apart from fantastic Public Open Space reserves, seriously lacking in amenity, including variety and diversity of local retail, dining and social provisions. The past few years have been extremely interesting and exciting seeing the proposed redevelopments coming to life at the Heart of South Perth to add some vibrancy and create a truly world class destination to complement the developing Elizabeth Quay and stunning locational attributes provided by the Swan River.
- At recent local Council meetings, a small group of local residents opposed one development application in particular among the Mill Point Peninsula and while I understand the pressure this has placed on the current Council, I thought the Councillors would have the courage to support their planning department and trust that the extensive planning study undertaken to allow for increased density along the Peninsula and endorsed by the WAPC to be the best path forward. Currently, the South Perth Peninsula looks tired and most of the development is obsolete. Allowing discretion for high quality high rise developments will ultimately lead to a better more vibrant South Perth which will benefit the whole South Perth community! Including a select few extremely short-sighted residents who own property along the Mill Point Peninsula.
- To revert back to the old Town Planning Scheme now is a step in the wrong direction and absolutely ludicrous considering the cost and extensive planning associated with implementing it in the first place. Future congestion is inevitable but to do nothing will not improve future congestion but simply exacerbate the problem. Instead, the means to finally be able to justify a train station and greater interaction with the river seems like a far better solution. There are so many great reasons to push forward to the future and so many strong reasons not to revert to the old scheme.
- We do not support Element 3 Guidance Station item (b) all comprehensive new development that include a residential component should provide a diversity of dwelling sizes and number of bedrooms including single bedroom dwellings. We propose this item be deleted or amended so it does not apply to lots within frontage to the South Perth Esplanade. It will create commercially unviable development. The value of the land with frontage to the South Perth Esplanade of one bedroom apartments. There is simply no market for multimillion dollar single bedroom apartments. It will result in single bedroom apartments on the South Perth Esplanade being sold at a discount (on per sqm basis) when compared to two or more bedroom apartments.

- We do not support Table B Design Consideration 4. Car parking. We disagree with the rationale of the maximum limit on on-site car parking bays. We understand that intended outcome is to reduce traffic by precluding car ownership. However we believe the intended reduced traffic outcome is better achieved by creating inner-urban environment that encourages alternative modes of transport by, but not limited to footpaths with canopy cover, creating streetscapes with a strong sense of security and legibility, well places public transport with accessibility and connectivity and careful attention to Employment Self Sufficiency. This consideration significantly reduces the ability for developer to produce a project that they believe best meets the market, market from purchasing a dwelling with a number of car bays they desire and occupiers from flexibly in their modes of travels. We believe these are grossly unfair.
- I am against Amendment 46. Following a series of community forums and urban planning studies supported the City of South Perth for the introduction of Town Planning Scheme Amendment 25 in 2013 to guide the development of a high rise mixed residential and commercial hub in the South Perth Peninsula centred on a future railway station at the end of Richardson Street. We are now seeing several buildings under construction in this "Special Design Area" including the Civic Heart project which will be an impressive statement to the entry into South Perth. The South Perth sky line will be further enhanced by other planned tall buildings now approved and under construction. This development will bring vibrant street front shops and cafés totally rejuvenating South Perth. The proposed Amendment 46 is retrograde by introducing building design criteria that will vastly reduce building heights and density. Design initiatives provided in the existing town planning regulations will also be removed and sadly the proposed Amendment will fail to achieve community expectations. I am also afraid that Amendment 46 will not provide enough housing density and force a spread of population growth across other parts of the City of South Perth causing a loss of leafy back yards and increased traffic due to infill housing.
- I participated in an extensive community engagement process several years ago in regard to Town Planning Scheme No. 6 Amendment 25 and this proposed Amendment 46 ignores much of the good work achieved in that engagement process. The Amendment 25 carefully considered this requirement and the community determined that it preferred to accommodate this growth in identified areas of the City that could be adequately serviced with public transport. The Richardson Station Precinct was one of these identified areas. This was selected because the community participants did not want a generalised density increase over the wider community which would negatively impact the amenity of the single family homes in that wider community and add to the traffic congestion required by that wider spread of development.
- The City of South Perth's current Planning Scheme is delivering as intended on the City of South Perth's and the State Government's vision for 2031 and South Perth's role in this. Of significant concern is the lack of support, planning and architectural reports and studies that the City has previously seen as essential in establishing the current planning and which are missing in the development of the proposed Amendment 46. This, combined with a lack of community consultation in the development of the proposed Amendment, shows that this is a rushed, ill-conceived proposal driven by a small number of residents on the South Perth Peninsula. This should be seen as an embarrassment for Council in comparison with the community-wide endorsement for the current Town Planning Scheme that saw more than 1,400 people participate in public workshops and included more than 980 written submission over two years of public consultation. That is why the Council, the Western Australian Planning Commission and the State Government subsequently approved these changes.

- If passed, the cumulative impact of Amendment 46 will hinders further inner city development.
- The changes to planning guidelines stipulated in the Amendment 46 lack justification and result in unnecessary restrictions that will limit the successful progress of inner-city development so far. It will also compromise the viability of the South Perth Station Precinct due to the proposed removal of Mill Point Road beyond Judd Street. I am also concerned at the secretive approach Council has taken in progressing Amendment 46. In particular, the total lack of supporting planning and architectural reports and studies combined with an appealing lack of community consultation in the framing and development of the proposed Amendment 46.
- In my experience as an architect, I am yet to witness such a 'knee jerk' reaction to amend a local planning scheme. The previous Amendment 25 was the result of substantial community consultation, multiple workshops and hundreds of written submissions over 2-year period. Amendment 46 in stark contract seems backwards, unnecessary and without any open and planning justification. Perth is a city that has and continues to sprawl out of control. It has so much potential to develop as a city and densify in the right areas. This densification will help meet population growth targets and create a much-needed vibrancy to inner-city living, reducing commute times and pressure on public transport infrastructure. Perth needs to build up not out to achieve the State Government's "*Directions 2031 and Beyond*" targets. South Perth is one of the ideal precincts where densification and building heights should increase.
- I am firmly of the view that the current Town Planning Scheme is delivering on both the City of South Perth's and the State Government's vision for vibrant and robust inner-city area. What is of significant concern to me is the total lack of supporting planning and architectural reports and studies combined with an appalling lack of community consultation in the framing and development of the proposed Amendment 46 – driven by a small number of residents on the South Perth Peninsula.
- I do not believe that is that the Amendment has sufficient planning justification and is in fact a knee jerk reaction from a minority group. I do not believe the process through which Town Planning Scheme Amendment 46 was transparent in its progress. It is my belief that the changes brought about by the Amendment will negatively impact the development of the South Perth inner-city area through regressive building restrictions. The City of South Perth has some of the most appropriate real estate in the State to develop vertically. The increase of density in the urban fabric made possible in such a beautiful and tactically placed piece of land such as the Mill Point Peninsula makes sense from all kinds of planning and design perspectives. It seems particularly unnecessary in light of the previous and continued success of the current Town Planning Scheme (especially Amendment 25). What is of significant concern to me is the total lack of supporting planning and architectural reports and studies combined with an appalling lack of community consultation in the framing and development of the proposed Amendment 46. It is clear to see the City of South Perth has not done its due diligence.
- Proposed Amendment 46 will curtail future development and I am fearful if adopted, population growth will be forced into the wider community increasing traffic to now quiet street, cause a loss of backyard trees and exacerbate planning for public transport.

- Amendment 46 adoption I feel would be a retrograde move and strongly object to.
- The secretive approach Council has adopted in progressing Amendment 46; the cumulative impact the proposed amendment will have on growth and development of a vibrant South Perth; and the application of changes that will impact the delivery of future transport needs for South Perth are a concern to me.
- Amendment 46, in my opinion, opposes the progressive, and designed focused approach that is sorely needed for both South Perth and the city as a whole. Not only will it have a direct impact on the living quality of residence of South Perth, but will inhibit the growth and image of South Perth to the wider local and international community.
- The projects – high rise or not are to make the City of South Perth a vibrant and active city. The future development designers and architects have taken into great consideration how the occupants will use the space, love where they live, therefore making the City of South Perth a great place to live. Amendments 46, in my opinion, will be detriment to both the City of South Perth's and the State government's vision for vibrant and robust inner city area. The proposed amendment is driven by a small part of the community not ready for changes, changes that are also happening through Perth CBD, making the city more active, attractive and appealing to other communities.
- The ad hoc development controls being proposed by the modified Amendment 46 will limit the discretion available to the City's officers and the JDAP under the current planning framework and lead to sub-optimal development outcomes having regard to the strategic intent for increased densities as part of infill development in well established and serviced areas such as identified in the Western Australian Planning Commissions (WAPC) draft *'Perth and Peel @ 3.5'* report and the draft *Central Sub-regional Planning Framework.* It is considered that this will lead to more generic outcomes through removing many of the incentives that have encouraged the high quality innovative designs and outcomes achieved to date since the gazettal of Amendment No. 25, which formulated the current scheme provisions for SCA1. The existing scheme provisions are currently operating as intended and leading to an ultimate built form outcome that is in accordance with the desired future character of the locality as established under Amendment 25.

1(c) COUNCIL'S response to submitters' general comments

A total of 368 submissions support the proposed significant modifications to Amendment No. 46. The principal themes expressed in these submissions are as follows:

- Excessively high buildings would be contrary to the unique landscape and architectural character of the area. The area has gradually and sensitively grown over a long period of time and the recently approved large scale tall buildings will rapidly change the landscape of the area.
- Further investigation is needed to identify the impacts of these tall buildings on the surrounding area individually and as a cluster – impacts such as overshadowing, wind tunnelling, views, safety, social amenity, solar access and water consumption.
- Increase in density within the Special Design Area will have significant impacts on traffic congestion and car parking (on site and street) in the area around Labouchere Road and Mill Point Road. Also the impacts on pedestrians and cyclists within the area.
- The peninsula is located a significant walking distance from the proposed train station and should be excluded from the area.

- The Special Design Area designation should further exclude areas such as the eastern side of Mill Point Road to the western boundary of block on the western side of Harper Terrace and also along Lyall Street, Mends Street and South Perth Esplanade.
- Population targets set by the State Government's *"Directions 2031"* and *"Perth and Peel @ 3.5 million"* do not need to be catered for solely by the Special Design Area. Other areas within the district such as the Canning Bridge and Curtin/Bentley precincts can assist in meeting these targets as well as medium density infill areas throughout the district.
- The streetscape within the Special Design Area should be protected, in particular the London Plane trees on Mill Point Road. The increase setback will also assist in securing views of the rivers and City.
- The proposed increase in the non-residential plot ratio will encourage more commercial/retail and entertainment spaces within the area. As a result, the Special Design Area will become a destination for those within and outside the area as well as making it an attractive employment centre.
- Further planning control is needed to limit the overdevelopment of small properties within the Special Design Area. The current provisions are misleading and lot area variations recently approved as 'minor' are considered quite major. The applications should address all the performance criteria required prior to a variation being granted.

A total of 262 submissions oppose the proposed significant modification to Amendment No. 46. The submitters are extremely critical of the motivation for the radical change of direction represented by the five significant modifications and also critical of the implementation process. They have cited a broad range of reasons for their objections, which can be generally grouped into the following principal themes:

- The significant modifications are contrary to the precinct objectives set out in Amendment No. 46 and the State Government's expectations conveyed in *'Directions 2031'* and *'Perth and Peel @ 3.5 million*'. If the capacity of the precinct is significantly reduced, in order to meet the State Government's assigned 'growth' target, densities elsewhere in the district may need to be increased in much less suitable locations.
- The proposed height restrictions, particularly north of Judd Street, would produce a continuation of the existing undesirable built form – relatively low, wide buildings with limited space between them, restricting the opportunities for 'view' corridors, and lacking innovative design excellence.
- Due to the proximity to the Perth CBD, attractive riverside location, and proximity to existing and proposed high frequency public transport, the precinct is ideally suited to large-scale development.
- Amendment No. 25 comparatively recently introduced the existing provisions for the South Perth Station Precinct and those provisions are working well. It is too soon to be 'winding back' those provisions.
- The motivation for the significant modifications was primarily to meet the wishes of a limited number of apartment owners in the area north of Judd Street, rather than taking account of the different interests of the wider community and future generations.
- For the significant modifications to Amendment No. 46, the community consultation process was not satisfactory - very different from the previous exhaustive consultation process for Amendment No. 25.
- The reduction in the potential number of dwellings may jeopardise the timely construction of the proposed train station.

- There has been no professional research to justify the proposed significant modifications. The modifications are not supported by any technical reports or studies. This is contrary to the principles of orderly and proper planning.
- The modified provisions will impose an unreasonable and unfair financial disadvantage through the reduction of development potential.

Many of the opposing submitters' grounds of objection are generally considered valid and therefore some of the proposed significant modifications to Amendment No. 46 should not be pursued. However, despite the grounds of objection, having regard to supporting submitters' comments, there are valid reasons to recommend to the Minister that the following significant modifications still be pursued and incorporated into the final version of Amendment No. 46:

- reduction in extent of the Special Design Area north of Judd Street, while retaining the two southernmost lots in the Special Design Area ;
- in the case of a lot that cannot be amalgamated with an adjoining lot, maximum 10% variation from minimum lot area and frontage to still be eligible for consideration of building height above the 'basic' height limit; and
- 4.0 metre street setback for the northerly portion of Mill Point Road.

While a blanket 4.0 metre street setback should not apply in Bowman, Charles and Hardy Streets, the operative Scheme provision relating to zero street setbacks needs to be modified to ensure that each proposed development has due regard to its context to ensure that there will not be adverse amenity impacts upon the occupants of adjoining sites.

The submitters' grounds of objection to absolute height limits in the Special Design Area are supported. After removing the northerly Mill Point Road properties from the Special Design Area, absolute height limits should not be introduced for land remaining in the Special Design Area. Such a radical measure should not be implemented by way of Amendment No. 46. The general issue of height control in combination with other design control measures needs further investigation as part of the process of implementing the intended further Scheme Amendment for the South Perth Station Precinct, after considering the recommendations of the Council's appointed planning consultants.

In the absence of any research evidence to justify a mandatory 1.5 minimum non-residential plot ratio, this particular significant modification to Amendment No. 46 should not be pursued further. In relation to land use mix (residential vs non-residential) the provisions in the original version of Amendment No. 46 are preferable (1.5 minimum non-residential plot ratio preferred, but discretionary power to reduce to a mandatory 1.0).

Each of the sub-sections below deals with one of the five proposed significant modifications to Amendment No. 46. Within each sub-section, after the summary of the submitters' comments, the 'Council's response' section expands upon the reasons for the recommendations outlined above.

The Council recommends that:

(a) the general comments contained in the Supporting and Opposing submissions be NOTED; and
(b) Amendment No. 46 be modified to the extent identified in the further recommendations in this report.

2. REDUCTION OF SPECIAL DESIGN AREA

2(a) SUPPORTING submitters' comments on reduction of Special Design Area	(344 submitters)

- Any drastic increase in allowable height is a clear departure from decades of gradual and sensitive development in the mainly residential Mill Point Peninsula. A sudden jump to the unpredictable development of very tall height as proposed through the original Amendment 46 was completely out of character with the current architectural tone and natural landscape of the peninsula. The northern peninsula end of the South Perth Station Precinct offers the unique vista of continuous views of the Canning River, King's Park and Swan River. Furthermore, from the foreshore at this end of South Perth, the public are able to enjoy simultaneous views of the sweep of the Swan River framed by King's Park - a unique part of Perth's natural heritage. The corridor of high rise which would inevitably ensue from the original Amendment No. 46 will interrupt the vista and destroy this unique feature of natural beauty. The reduction in the Special Design Area which is proposed in the new Amendment 46 is needed to protect this valued area.
- I support the reduction in size of the Special Design Area on the east side of Mill Point Road between Ferry Street and Frasers Lane, and on the west side between Judd Street and Scott Street, as this gives better consideration to the existing residents and is in better context with the whole of the South Perth Peninsula, preventing development which is wildly out of scale and in conflict with good orderly and proper planning.
- While supporting the reduction in size of the Special Design Area, submitter is disappointed that one 'over-height' development reached the stage of approval prior to this.
- The Mill Point end of Mill Point Road is a unique section of South Perth and should be considered as such in attempts to preserve its special characteristics which are unlike any other local areas surrounding it. Viewing the three aspects of the Swan and Canning Rivers and Mount Eliza simultaneously, often within the framework of beautiful mature trees, is what drew past and present residents to the locality and these features should be retained permanently for future generations without the impact of high rise buildings looming above the current eight story limit in this area. The proposed reduction in the Special Design Area would facilitate this.
- This submission supports the proposed amendment to the Special Design Area but considers that additional areas need to be deleted such as all of the 'peninsula' section of Mill Point Road, Lyall Street, Mends Street and the South Perth Esplanade. Removing the Special Design Area from essentially the entire length of the 'peninsula' section of Mill Point Road will still allow taller buildings than exist today (up to Frasers Lane/Scott Street), but will eliminate the opportunity for very high rise buildings that would be contrary to the very particular landscape character of the peninsula part of Mill Point Road. Indeed the landscape character promoted in the SPSPP referred to the peninsula part of Mill Point Road as the base character reference for the area.
- I support the removal of the Mill Point peninsula from the Special Design Area. I also support further extending the area removed from the SDA back to Judd Street.
- Submitter supports the increased density in the Station Precinct namely Richardson Street to Judd Street and Mends Street Precinct and in the mixed commercial / residential area bounded by Richardson Street, Labouchere Road and Judd Street to feed the future train station. However, retain the existing leafy low to medium height residential located within the Peninsula area.

- The area for high rise is large and it makes architectural sense to have them grouped together.
- The submitter supports the exclusion of the Peninsula from the SDA but also believes that the Peninsula is excluded from the Station Precinct provision of the TPS6 since it is not within walking distance of the proposed station. The Peninsula should have a separate regime within the TPS and a Local Planning Strategy be prepared for this area with full community consultation in particular the LPS should determine what is appropriate and make sure that the strategy for the Judd Street end of the Peninsula is sympathetic to future plans for the Old Mill.
- The Peninsula is not and never should have been included in the Station around the precinct. The error has been made when a drawing showing an 800m 'as the crow flies' circle was drawn around the proposed station – it intersected a small part of Mill Point Road on the Peninsula so the developers leapt on to this. None of the Peninsula is within the 800m walking distanced from the central point of the proposed train station, at the centre of Richardson Street and Melville Parade. I support further extending the area removed from the SDA back to Judd Street.
- The reduction of the SDA should go further and exclude also the eastern side of Mill Point Road to the western boundary of the block on the western side of Harper Terrace. It should also remove along Lyall Street, Mends Street (apart from at the intersection with Mill Point Road) and the South Perth Esplanade. This will restrict taller buildings to the prominent streets.
- The proposed inclusion of the area north of Judd Street would significantly affect the amenity and character of the Peninsula and creates traffic chaos. The proposed 38-storey tower within that area would increase the number of dwellings by 130.
- A submitter agrees with the proposal in Amendment 46 to remove the Peninsula from the SDA given that most of the Peninsula is more than 800m from the site of the propose train station and it was never intended that employment destination development should be built in areas which are a kilometre or more from the station site. The Peninsula is a wholly different character to other parts of the SDA. Most of the buildings in this area are low to medium rise developments date from 1908's within walking distance to the Civic Triangle. Those developments do not need replacing and the area around them to do not need invigorating. It was suggested that other streets should be excluded from the Special Design Area- all of the Mill Point Road on the Peninsula (the line of sight extending from the tree avenue should be unimpaired by nil setback right up to the Judd Street traffic lights so that the trees remain the primary focus), Lyall Street, Mends Street (apart from the intersection of Mill Point Road) and the South Perth Esplanade. The river front on the Esplanade should not be overwhelmed by intensive developments. The "*scenic qualities of the precinct*" referred to in the principles for the Precinct Plan would be adversely impacted by overdevelopment on the immediate river frontage.
- The submitters suggested that this amendment is a direct response to the community outrage over the unexpected tall development which has been recently approved.
- The submitter supports the removal of Mill Point Perth Peninsula from the SDA and removing all of Mill Point Road North up to the Judd street intersection from the SDA. This area is already revitalised and the height of the newly proposed buildings is totally out of context with the surrounding neighbourhood. There is very limited potential to infill in this area and because of that mega high rises will become an eye sore. Traffic on Mill Point Road North is already exceeds Main Roads traffic recommendations for a local distributor by 40%. No comprehensive and cumulative traffic studies have been completed as the

original studies only look at the forecast for 1000 new dwellings which has been already approved and the revitalisation of Richardson/Lyall/Charles Streets has not even started.

Allowing high rise buildings is exacerbating the 'car-centric' society. Nigel Westbrook – the Associate Dean at School of Architecture, Landscape and Visual Arts at UWA, when asked to review the proposal of a 29 storey building at 74 Mill Point Rd said:

"... if accepted and thus establishing a precedent, would create a far from satisfactory urban design outcome with regard to both public open space, amenity, load upon existing streets, and integration with an adequate public transport network. It is clearly a car-dependent project that, if repeated by similar future projects along Mill Point Road, will create deleterious environmental and functional consequences".

This area is outside the station catchment area and is well serviced by buses and ferry which provides no support for the case for a train station. Creatively rewriting the 800m walking distance to now being an 800m catchment radius does nothing to encourage people to walk further then they will. Adding a pedestrian ramp also does nothing to reduce the distance. If more infill area is required then I suggest that the Station Precinct should be extended south and east to increase the catchment area, which will enhance the case for a station as well. It is also suggested that the South Perth Golf Club and Richardson Park be redeveloped.

- A Local Planning Strategy should be conducted as a matter of urgency so that thoughtful and considered planning of dwellings numbers, skylines and streetscapes can be envisaged by developers and the community.
- The Developer contribution Scheme is grossly underutilised considering the affect these massive buildings are having on the community during construction and once they are inhabited. After construction the community is going to be subjected to even worse and permanent traffic problems, because as Main Roads reports says there is little that can be done to alleviate the problems in Mill Point Road North or the Mends / Judd / Labouchere area and of course zero-setbacks removes any scop for road widening.

  In a recent GHD report the following recommendations were made to the CoSP:

  - The City coordinates and funds the construction of upgraded sewer and water mains.
  - The City arrange a developers contribution scheme in order to recoup the cost of upgrading sewer and water infrastructure from developers as the precinct is gradually redeveloped

  Given the massive water management restoration program currently being undertaken by Perth Zoo, due to the very old and decaying water-mains in the area, submitter suggests it would be an excellent proposition.

  In many other cities the developer contribution schemes involve such things as developers contributing to train stations, childcare centres, libraries, swimming pools - items that are of great benefit to the community. I suggest that something of similar significance be implemented here in City of South Perth. There is a limit to the value of another "twisted bronze ball".

  A significant contribution by a number of developers to something at the Zoo, facilitated by the City of South Perth, would be greatly appreciated by Perth Zoo and the public. The City of South Perth gains enormously from having the Zoo in their locale and I believe it would be a huge win/win for all. Just recently the Australian Bird aviary had to be closed to the public as it was deemed unsatisfactory and there are no funds to improve it. I suggest that if a development does not provide adequate open space, landscaping and visitor parking in its plans, then a Levy or Contribution should be incurred to provide those

facilities. Our rates and taxes should not be being used to provide facilities that a developer failed to incorporate.

2(b) OPPOSING submitters' comments on reduction of Special Design Area	(228 submitters)

- Of great concern is the complete lack of equity and fairness that will eventuate should Amendment 46 be adopted in its current *(re-advertised)* form, or if Amendment 46 is abandoned in its entirety and the existing Amendment 25 provisions remain. Both sets of provisions greatly advantage a select (limited) number of properties on the South Perth Peninsula, to the detriment of the majority of landholdings in the South Perth Station Precinct. This imbalance needs to be resolved through a modified version of Amendment 46 that incorporates more equitable building height controls. Proposed Amendment 46 heavily favours the extremely limited number of properties that will remain within the Special Design Area and which have already obtained approval under provisions inserted by Amendment 25. The proponents of those developments will reap the rewards of urban renewal, with future occupants enjoying a superior level of residential amenity through the high quality accommodation and availability of uninterrupted views toward the River and City. In contrast, the owners / occupants of the balance of land within the South Perth Station Precinct will derive very little uplift or benefit as a result of proposed Amendment 46, or if the current Amendment 25 provisions are retained. There is no ability, or very little incentive, to redevelop older housing stock, and the prescriptive height limits will make it extremely difficult for residents to take advantage of views toward the River and City.
- In terms of concerns with respect to equity and fairness, the submitter refers to the joint site at Lots 2 and 180 (No. 53) South Perth Esplanade and Lot 6 (No. 1) Ferry Street, South Perth. A strong case is mounted in the submission for expanding the Special Design Area to include that very large site, owing to its size and shape, which renders a large portion of the site 'landlocked' with very limited opportunity for views. *(For the detailed justification, refer to Submission 2.138.)*
- There appear to be very few existing residential properties that might benefit from the scaling back of the Special Design Area. The residential buildings on the west side of Mill Point Road are in the order of 5 to 9 storeys (i.e. up to 30 metres), so any existing views toward the City will not be affected by development on the east side of Mill Point Road that seeks a height variation over and above the 'as-of-right' 25 metre height limit (measured to the floor level of the upper-most storey). By excluding the area in Mill Point Road between Ferry Street and Fraser Lane from the Special Design Area, future development will likely seek to maximise the available building envelope (vertically and horizontally), resulting in lower, bulkier buildings that have the potential to restrict views between buildings. Conversely, promoting taller, slender buildings will actually be advantageous to those existing residents concerned about the loss of views.
- Proposed reduction of Special Design Area is not justified and was only implemented to appease a small number of apartment owners.
- A vocal minority group, founded by residents recently affected by imminent loss of views, should not influence or dictate planning policy which is for the greater good of the City of South Perth as a whole. These people were the direct beneficiaries of town planning scheme changes in the past, yet now they want no further change. Nobody owns a view. Leave the Special Design Area as it is (or expand it further) so that the City can grow in the most appropriate location.

- The arbitrary removal of the peninsula north of Judd Street from the Special Design Area will have a detrimental impact on the viability of the South Perth Station Precinct.
- Why are properties in the northern portion of the Special Design Area along Mill Point Road being removed? They will add balance to the northern side of the Mends Street retail and Ferry precinct. The existing increased height allowance is a feature and will offset the wall of low and fat buildings now along the peninsula. I further believe the Special Design area should be extended to the northern end of Mill Point Road.
- A general height limit of 25 metres would look boring. Imagine how the current beautiful Perth City skyline would look if it was all cut off at 25 metres.
- Oppose reduction in the extent of the Special Design Area. It should be increased e.g. to include my street, being Hardy Street.
- If the Special Design Area is reduced, this may jeopardise the construction of the new train station.
- By whom, how and why was it decided to randomly exclude the east side of Mill Point Road between Ferry Street and Frasers Lane and the west side between Judd and Scott Streets? No valid reason has been given for excluding this area? How did a small group of residents in the South Perth peninsula exert so much influence? The current Scheme has been very successful and will allow for exciting and high quality redevelopment without reducing the extent of the Special Design Area by excluding the section proposed by Amendment 46.
- I object to the reduction of the Special Design area as it reduces the opportunity to house additional families, offering a range of accommodation e.g. single bed / 2 bed / 3 bed apartments which adds to the housing choice available in our community.
- Council proposes that our land would be extracted from the Special Design Area. As an affected landowner, employer and local resident I am not happy. I am dismayed at having to have to go through this process again, especially as we have a working concept design for our site that required some tweaking as advised by Council Planning officers, not a major overhaul. As long-time owners of property in the Scheme area we believed eventually we would redevelop our site with a quality high-rise apartment building with some commercial space for our own use. Urgency was not an issue however the new uncertainty will make us reconsider our timing.
- Implementation of current Scheme provisions has been terrifically successful in its goal of providing the catalyst for revitalising an underutilised inner city urban locality, a prime area for high rise/density development. The urban renewal which has now begun will benefit all in the City of South Perth for generations to come.
- Proposed serious changes seem to be a response to pressure from some local residents and anti-development activists from elsewhere - knee-jerk response, disregarding advice of Council's qualified planning staff who undertook a thorough and proper Planning process after considerable public consultation, prior to the Train Station Precinct eventually being endorsed by the South Perth Council and the WA Planning Commission.
- The proposed changes are also prejudicial to a select few landowners in the area, e.g. 78 Mill Point Road. Under 'old' TPS6 we could build 9 levels with river and city views from the top 5 levels above the previous 13 metre building height limit along South Perth Esplanade. The proposed changes will restrict development at 78 Mill Point Road to 25m whilst permitting the same height along South Perth Esplanade. We are left with an obsolete C-grade office building competing for tenants against brand new vacant offices in a falling rental market and outrageous outgoings mostly due to rates, land taxes and

government utilities. Any future development on South Perth Esplanade north of No. 63 will seriously impact on the amenity of some of the existing buildings, both new and old. We will be seeking an immediate revaluation and a serious reduction in rates and land taxes.

- I share some of the concerns raised about the approval at 74 Mill Point Road, mainly the need to include commercial offices in this area. However the proposed major changes to TPS6 will send a powerful negative message to investors and the development community generally, especially those in the process of planning a development in South Perth. To overhaul and change a Scheme that is currently working, on a whim, does not make sense. It is not necessary to change the Scheme as proposed, when a few minor alterations would have sufficed, which is what Council Planning staff had recommended.
- Objections have been raised by others regarding development of a small run-down section of the Peninsula. I consider some of their rhetoric to be irrational and ill-founded, specifically:

  Loss of Views: Irrespective of whether a building in the Mill Point Peninsula has 9 or 29 storeys, it will not alter the degree of views lost. Existing buildings enjoy City views to the north-east, not back over Nos. 76 to 80 Mill Pt Road. Also higher developments have greater setbacks above podium height, which provides for wider view corridors than bulky low rise structures.

  Shadowing: Shadows come and go, dependent on season and time of day. It is a fact of life with inner city living.

  Iconic beauty along the peninsula: While Mill Point Road is a tree-lined avenue, there is little existing construction of any architectural significance or beauty along the peninsula. Higher '6-star' buildings would provide much greater scope for architectural creations designed to capture the panoramic views north and south. Construction costs in Perth are expensive. For developers to provide unique buildings of architectural significance, they require unique sites with river and city views in order to obtain higher selling prices for the apartments that justify the expenditure. The South Perth Peninsula provides such an opportunity. Rather than restrict height, Council should focus on ensuring quality design and construction.

  Quality Planning: Currently, this is not evident along South Perth peninsula. A 'wall' of 8 storey apartments faces towards a 'wall' of 9-storey apartments - therefore there are no winners.

  Congestion: Congestion already exists from 'through' traffic taking short cuts through South Perth due to the congestion on major arterial roads, the Freeway and restriction of 'through' traffic in the CBD. Melbourne's Southbank contains tall buildings of 50 or more storeys, however getting in and out is not an issue - residents tend to walk, take public transport or taxi. All the main traffic arteries are around the area not through it. In the South Perth Station Precinct, high rise/density development in accordance with the current Scheme will provide the necessary amenity and infrastructure to allow residents to walk under awnings to work, local bars, cafés, shops, supermarket and bus and ferry stops.

  What is Council doing currently to reduce or investigate ways of reducing the amount of 'through' traffic clogging Mill Point Road and Labouchere Road at peak hour? Council should be lobbying State Government in an attempt to find ways of reducing through traffic.

  Where amenity and good public transport infrastructure does not exist, as is created by urban sprawl, the outer areas will forever be reliant on motor vehicles and congestion will only continue to become more and more of a problem. Hence the existing demand for new apartments in the area from people looking for a change in lifestyle that does not

comprise involve a daily one-hour commute in heavy traffic. High rise buildings close to the City and existing infrastructure will ultimately help ease traffic congestion. Initially it will justify a South Perth train station, but 'through' traffic using South Perth as a short cut will need to be reduced for the Scheme area to develop to its full potential.

- Council should not be pushing for the proposed significant modifications to the existing Scheme prior to knowing the outcome of Supreme Court action concerning the proposed development at No. 74 Mill Point Road - a 29-storey development two doors north of my property. In addition, there is a current development application for a 35-storey building two doors south (Nos. 86-90 Mill Point Road). Therefore the proposed modifications to the Scheme, including extraction of Mill Point Road properties north of Ferry Street from the Special Design Area, would have a major impact on our property at 78 Mill Point Road.
- The proposed major changes to TPS6 would be an unjustifiable waste of ratepayers' money as they mainly affect a very few properties with development potential on the peninsula and the currently mooted changes would lead to a halt in development in the precinct and tarnish Council's reputation in the wake of criticism.
- If the proposed changes are implemented, the height limit along South Perth Esplanade will remain at 25m (9 storeys), Nos. 74 and 86-90 Mill Point Road will be developed as high rise, and our property at 78 Mill Point Road will be left in a hole with no prospect of viable short, medium or long-term redevelopment. Our asset is being substantially devalued by Council's reaction to a minority of vocal local residents, most of whom reside in existing medium-rise apartment buildings and are probably new arrivals, not present when the considerable consultation with the community was undertaken prior to implementation of Amendment No. 25 to the Scheme.
- Implementation of the new Scheme provisions has already resulted in four new projects in this area, about 80 old flats and townhouses have already been demolished to facilitate replacement with new commercial space and residential apartment towers that will house around 400 new dwellings, all with lifestyle facilities, commercial interface at street level, and all within walking distance of Mends Street Ferry / shopping amenity and eventually the train station. The removal of our site and others from the Special Design Area will create a mess of old and new.
- I own offices in a tired, early 80's 3-storey mixed residential / office building at 66 Mill Point Road cnr Frasers Lane. Amendment No. 46 will limit the potential value of the property. Under the current Scheme provisions, the property could be redeveloped to maximum potential with a far more sympathetic building. The planned changes lack justification, and seem to be catering to owners in 9-story apartment buildings who benefited from previous changes but now want to limit further change. I hope Amendment No. 46 does not get the support of the progressive South Perth residents.
- If the Special Design Area is reduced, this will reduce the developer contribution yields for the City.
- I disagree because it is common sense that we fit as many people into the inner city area as possible, who then will utilise the existing infrastructure services and then more flexible transport options such a buses and train station will be attracted. At the same time it will help to reduce the urban sprawl, the freeway congestion and a saving in the building of totally new infrastructure. The Peninsula area should stay in the SDA. Unless the planners spread the lower density population over other areas such as the SCA.
- I object to the reduction of the Special Design area as it reduces the opportunity to house these added families with a range of accommodation options eg. 1 to 4 bed apartments which adds considerably to the housing choice available to our community.

- I believe that Amendment 46 is rather prejudicial and the proposed removal of all of Mill Point Road north of Judd Street will severely compromise the viability of the South Perth Station Precinct.
- I welcome high rise building in the South Perth Peninsula "Special Design Area" where it will compliment housing and work place choice as well as support the need for a train station.
- The removal of the northernmost portion of the Special Design Area is a reactive change on the City's behalf promoted by a vocal few. This portion of the SDA should not be removed because, in lieu of the train station, it has the closest proximity to current modes of public transport (ferry and bus). Additionally, since this portion of the SDA is currently the most densely developed, future tall buildings will be more compatible in this location than in other parts of the precinct where tall buildings would be situated directly adjacent to single story dwellings. Lastly, since the proposed train station will have no catchment area to the west (Swan River), and will have a golf course and a park to the south, and the Zoo to the east, this should provide justification for extending the precinct further north than Judd Street, as this is the only land within the catchment that has the potential to be developed.
- Reduction in the extent of the special design area is not necessary, as we absolutely require higher appropriate density enhancing and ensuring continued support for our Ferry transport connection.
- I believe that Amendment 46 is harmful to the future of the City of South Perth and the proposed removal of all the Mill Point Road north of Judd Street will rigorously compromise the viability of the South Perth Station Precinct.
- The inclusion of an absolute height limit, in combination with inflexible performance criteria that allows for additional building height to be granted, will undermine the intent of the Special Design Area provisions that currently encourage innovation and excellence in design. While an incentive-based approach to the granting of additional height has the potential to facilitate a positive development outcome, there is legitimate concern regarding the methodology that has been used in determining the relationship between the additional height allowance and the number of criteria that are required to be satisfied through a development to be allowed additional height.
- This is financially damaging for all the apartment owners at 89 Mill Point Road, as our building is in prime location for future mix development facing in 3 sides and 2 street frontages. Consideration that now there is a development going up in front of us, that will cut out all natural light we can get in our apartments, consideration that we are getting visual pollution and loss of privacy, we are expecting to bank on our building block for future redevelopment. The submitter also suggested that the value of their property will drop due to the Amendment going through and impact those that purchased the property under the new zoning (redevelopment potential) will also be impacted. The loss of potential for the residents of properties outside the SDA is major.
- We strongly object to the removal of Mill Point area from the SDA. This part of the Amendment has again been made without any robust Town Planning strategy, and is at odds with the one of the intentions of the scheme which is to provide density around transport hubs and retail activity centres, both of which this particular section of Mill Point Road is central to. Indeed there is arguably no single better location within the precinct to locate high density residential buildings, with the superior bus service and walkability to the ferry terminal. Further, it is also located within the train catchment zone, which was just one of the reasons for inclusions of Mill Point Road in the Special Design Area. It also

provides some of the very best views to the City and Elizabeth Quay, a key consideration in its inclusion in the existing scheme. Mill Point road, all the way down to the Narrows, is clearly one of the densest commercial and residential zones in South Perth, and therefore it is clearly highly appropriate that this area of South Perth should accommodate height and density.

2(c) COUNCIL'S response to submitters' comments on reduction of Special Design Area

The proposed modification being considered is the removal of the 'Special Design Area' designation from properties fronting the east side of Mill Point Road between Ferry Street and Frasers Lane; and properties on the west side between Judd Street and Scott Street. The proposed modification would also remove Lot 188 (No. 20) Stone Street from the Special Design Area, this being the only Stone Street property currently in the Special Design Area. On the east side of Mill Point Road, properties south of Ferry Street will remain in the Special Design Area.

Figure 3 below shows the extent of the Special Design Area in the currently operative Scheme.

Figure 4 shows the portions of the Special Design Area being considered for possible deletion. This is one of the five significant modifications on which comments were invited during the 'second-round' advertising.

Figure 5 depicts the recommended response to the submissions on the proposed reduction in the extent of the Special Design Area. The recommendation is that the Special Design Area designation be removed from properties to the extent advertised, with the exception of two lots abutting Judd Street, being Lot 6 (No. 89) Mill Point Road and Lot 188 (No. 20) Stone Street. It is recommended that those two lots remain in the Special Design Area.

Figure 3 Current extent of Special Design Area north of Judd Street

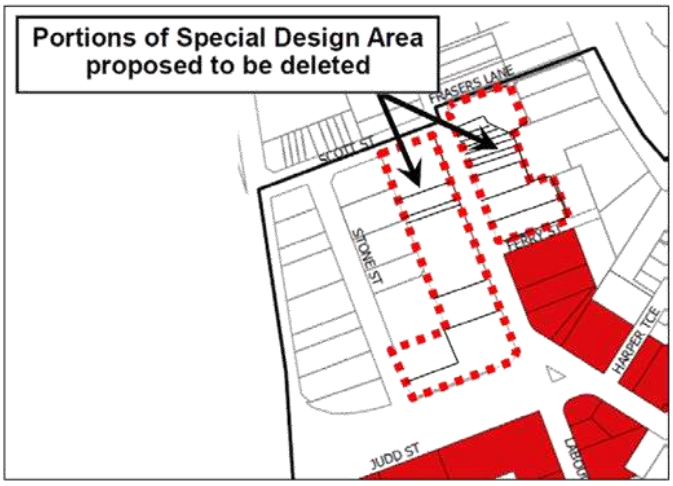


Figure 4 Proposed reduction of Special Design Area as advertised

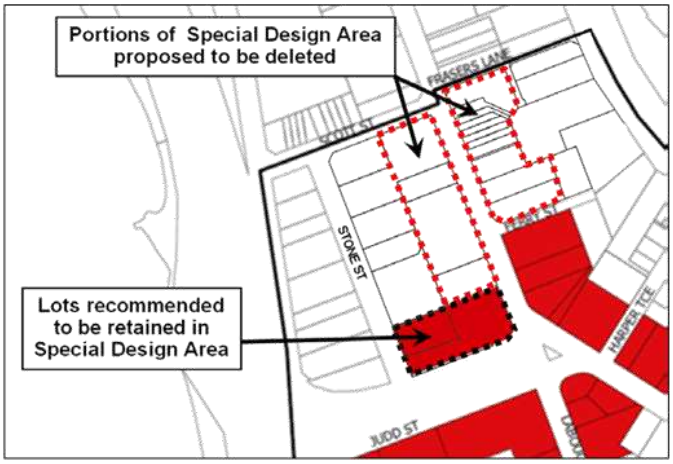


Figure 5 Recommended extent of Special Design Area after advertising

Very large numbers of both 'supporting' and 'opposing' submitters have expressed divergent opinions on the advertised proposal to reduce the extent of the Special Design Area. Submitters from the 'multiple dwelling' building at No. 89 Mill Point Road have presented a special case for retention of that property within the Special Design Area. In arriving at a recommendation concerning the propose reduction of the Special Design Area, all of the submitters' arguments have been fully considered. The principal supporting and opposing arguments are summarised as follows:

Submitters' arguments in SUPPORT of reduction of Special Design Area

- Removing the Special Design Area from the 'peninsula' section of Mill Point Road will still allow taller buildings than exist today, but will eliminate the opportunity for very high rise buildings that would be contrary to the unique landscape character of that part of Mill Point Road, which was promoted in the South Perth Station Precinct Plan.
- Any drastic increase in allowable building height is a clear departure from decades of gradual and sensitive development in the mainly residentially-focused parts of the Mill Point peninsula. A sudden jump to an unpredictable occurrence of very tall buildings would be completely out of character with the current architectural tone and natural landscape of the peninsula and put major strains on roads and infrastructure throughout the Station Precinct.
- The northern peninsula end of the South Perth Station Precinct offers the unique vista of continuous views of the Canning River, King's Park and the Swan River. From the foreshore, the public are able to enjoy simultaneous views of the sweep of the Swan River framed by King's Park - a unique part of Perth's natural heritage. If the Special Design Area is not removed from the northern peninsula end of the precinct, the inevitable corridor of high-rise buildings will interrupt the vista and destroy this unique feature of natural beauty. The proposed reduction in the Special Design Area is needed to protect this valued area.

Submitters' arguments OPPOSING any reduction of Special Design Area

- The removal of the peninsula north of Judd Street from the Special Design Area may jeopardise the construction of the new train station.
- Mill Point Road properties in the northern portion of the Special Design Area will add balance to the northern side of the Mends Street retail and Ferry precinct.
- The existing increased height allowance will offset the existing wall of low, fat buildings along the peninsula. A general height limit of 25 metres would look boring.
- There is little existing construction of any architectural significance or beauty along the peninsula. The peninsula provides scope for unique '6-star' higher buildings of architectural significance with panoramic river and city views north and south. Rather than restrict height, Council should focus on ensuring quality design and construction.
- The proposed reduction of the Special Design Area is inequitable having regard to the approved and proposed high-rise buildings on neighbouring sites; and will create an incompatible mixture of old and new buildings.

Submitters' arguments OPPOSING removal of No. 89 Mill Point Road from Special Design Area

- Our corner property, with three road frontages, is in a prime location for large-scale mixed development comparable with the development of Nos 86-90 Mill Point Road and others nearby.
- If our property is excluded from the Special Design Area to meet the wishes of a minority of angry residents, redevelopment will not be feasible. This will cause an enormous loss of value for our property and we will need to seek financial compensation.
- We would propose the same height as the adjacent new building approvals, with the same retail and residential outlook to complete the streetscape as a 'book-end', with overhead public access to tie the corner together.

In the *South Perth Station Precinct Study* final report, the northerly portion of Mill Point Road was included in the Special Design Area. This was subsequently reflected in Amendment No. 25 to Town Planning Scheme No. 6 which came into operation comparatively recently. Under Amendment No. 25, Lot 188 (No. 20) Stone Street was also included in the Special Design Area. Being mindful of the reasons for inclusion of this area, there is considerable merit in the arguments of the objectors who oppose any reduction in the extent of the Special Design Area; however on balance, the counter-arguments of the supporters of the proposed reduction are more compelling. At the same time, there is also a strong case for retaining the two most southerly lots (Nos. 89 Mill Point Road and 20 Stone Street) in the Special Design Area.

The Council's recommendation is primarily based on the following:

- The portion of the Special Design Area under consideration has a character distinctly different from the balance of the South Perth Station Precinct, mainly attributable to:
  - the visually dominant very large London Plane trees in the street reserve; and
  - the 'built form' which includes buildings up to 9 storeys high, comprising primarily residential apartments, some having been constructed within the last 10-15 years.

  The balance of the Mill Point peninsula to the north of the boundary of the South Perth Station Precinct has a similar character. This general character is worthy of preservation. If extremely high buildings were to be constructed in this portion of the Special Design Area, they would radically alter the existing character, although the two southernmost properties could sustain a higher building without adversely affecting the desired character.
- Amendment No. 46 (Table A, Element 6, Guidance Statement (a)) states that the properties included in the Special Design Area front onto streets having high visibility due to their aspect or high volumes of pedestrian or vehicular traffic. The properties under consideration do not fit this rationale as well as those in other parts of the Special Design Area. Furthermore, the subject properties are located furthest from the proposed train station, some being outside the notional 800-metre 'walkable catchment area' and the Judd Street on-ramp to the Kwinana Freeway presents a significant barrier that may also discourage pedestrian journeys to the future station from these northerly properties. Under these circumstances, it is not sustainable to argue that the subject properties must remain in the Special Design Area to support the case for construction of the proposed train station.
- The most southerly 'Special Design Area' properties under consideration are those at Nos. 89 Mill Point Road and 20 Stone Street. The building at No. 89 Mill Point Road, called *"Mill*

Point Mansions", is 48 years old. It is 5-storeys high and contains 25 strata-titled apartments. This building occupies a somewhat irregularly shaped 'battle-axe' lot. The two-storey building at No. 20 Stone Street is 19 years old. It comprises 7 strata-titled grouped dwellings. If amalgamated, these two properties would form a 4,530 sq. metres rectangular site. This parcel of land on the north-west corner of the Judd Street / Labouchere Road / Mill Point Road intersection is in a prime location for large-scale redevelopment. The combined site has boundaries on Stone Street, Judd Street and Mill Point Road, with vehicular access available from the cul-de-sac end of Stone Street and from Mill Point Road. Very high buildings are either under construction, approved or proposed on three sites opposite *"Mill Point Mansions"*. The adjoining 5 storey building to the north, at 85 Mill Point Road is 16 years old. It comprises a mix of strata-titled apartments and offices and there is no prospect of this site being redeveloped in the foreseeable future. Similarly, the adjoining property at No. 12 Stone Street, occupied by an 8 storey strata-titled apartment building, has already been redeveloped to its maximum potential. A well-designed high building on the north-west corner of the intersection would provide balance in terms of built form and scale. To facilitate such an outcome, the 'Special Design Area' designation needs to be retained for Nos. 89 Mill Point Road and 20 Stone Street.

Having regard to the factors outlined above, it is now considered that there is insufficient justification for retaining the subject properties within the Special Design Area, other than Nos. 89 Mill Point Road and 20 Stone Street.

With the removal of the 'Special Design Area' designation from most of the subject properties, there is a strong case for moderately increasing the absolute height limit for those properties. Under the operative Scheme, a 41-metre 'basic' height limit is assigned to Nos. 86-90 and 89 Mill Point Road and No. 20 Stone Street whereas the 'basic' height limit for the other properties under consideration is currently 25 metres. Having very substantially reduced the potential height of buildings on those other sites through their removal from the Special Design Area, it is appropriate to change their assigned absolute height limit to 41 metres. This would allow the Mill Point Road buildings along the 'spine' of the peninsula to be approximately five storeys higher than those on Stone Street (east side) and South Perth Esplanade, thus preserving the opportunity for views from those five storeys. This would also foster a more varied and interesting skyline, with the highest buildings extending down the central spine of the peninsula. Many submitters have expressed concern about the existing monotonous and unrelieved mass of buildings in the peninsula area, brought about by 'blanket' height limits. The recommended change to a 41-metre height limit for the subject properties would provide some visual relief.

Figures 6 and 7, below, show the existing and proposed Building Height Limits for land in the north of the precinct, along Mill Point Road.

Figure 6 Current Building Height Limits – northerly portion of Mill Point Road

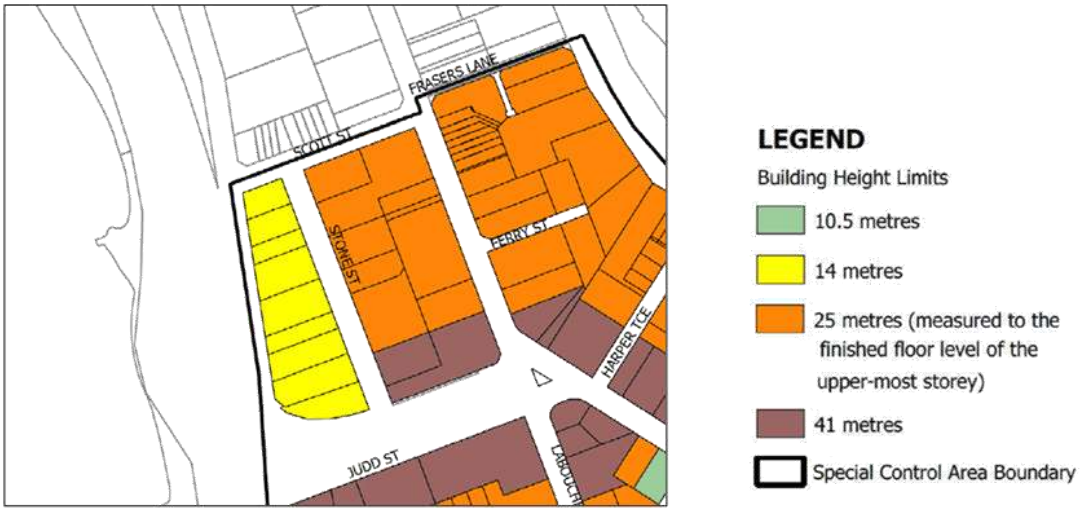
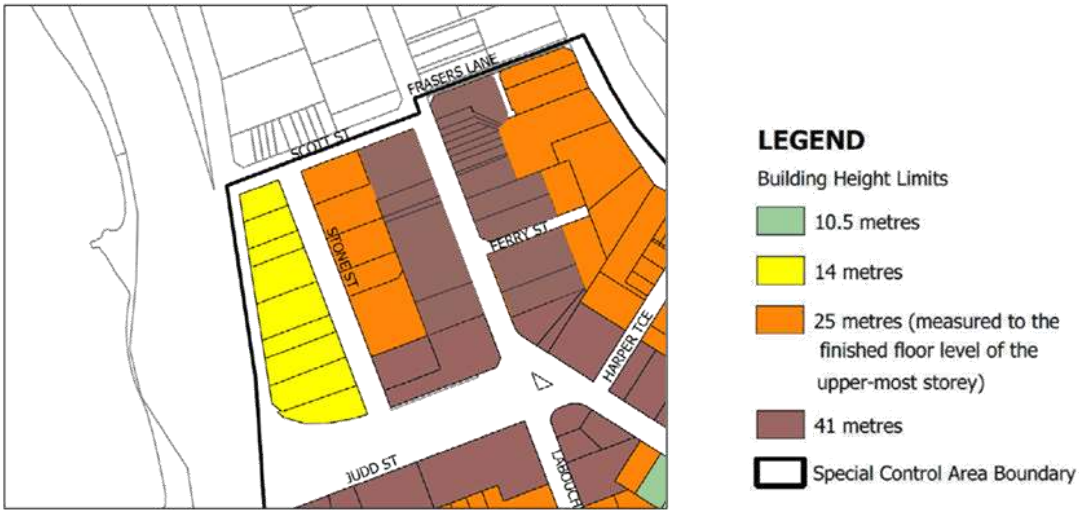


Figure 7 Recommended Building Height Limits after advertising



Having regard to all relevant considerations, the Council recommends that:

(a) the Supporting comments be generally UPHELD; and
(b) the Opposing comments be generally NOT UPHELD; however,
(c) Lot 6 (No. 89) Mill Point Road and Lot 188 (No. 20) Stone Street be retained in the Special Design Area;
(d) Plan 2 'Special Design Area' in Schedule 9A be amended, and the extent of the Special Design Area be as shown on that Plan; and
(e) Plan 3 'Building Heights' in Schedule 9A be amended to delete the 25 metre Building Height Limit and assign a 41 metre Building Height Limit to Mill Point Road properties north of Judd Street and Harper Terrace as shown on that Plan.

3. Creation of absolute height limits

3(a) SUPPORTING submitters' comments on creation of absolute height limits	(314 submitters)

- It is essential that the Scheme is re-worded to avoid the potential for misinterpretation. It needs to be more explicit that very tall buildings are not and never were part of the Precinct Plan on which the public were consulted. Continued development of very tall buildings would be completely out of character with the current architectural tone and natural landscape of the South Perth Peninsula and put major strains on roads and infrastructure throughout the Station Precinct. The previous version of Amendment No 46 represents an extreme departure from the South Perth Station Precinct Plan. The proposed modifications to Amendment No 46 are, however, more appropriate and represent a measured response to halt unlimited development whilst recognising that the tall buildings under construction by virtue of their size and prominence will change the character of parts of the Station Precinct.
- The proposed height limits in the proposed new Amendment 46 are a measured response to halt unlimited development and curb the excesses of the kind which are being permitted by JDAP under Schedule 9. Under the new Amendment 46 the height limits increase proportionally to the amount of compliance of a proposed development with the Performance Criteria – it is logical and reasonable that the greater the compliance with performance criteria, the greater the allowable building height. Both the Development Requirement 6.2 of Table A and Modified Table B Performance Criteria in the new Amendment 46 are therefore supported.
- Having attended Station Precinct meetings and reluctantly accepted that 12 storeys would be approved generally, submitters are astounded by the existing travesty initiated by Council's 'interpretation' of the Plan. There was no indication in the Plan that height limits could be blatantly manipulated to allow unlimited height buildings. This is a disgraceful disregard of community understanding and only allows developers to bend the rules for profit, effectively ruining the environment for others. Let us hope that this Amendment will prevent further inappropriate developments being approved.
- I agree with the proposed capped height limits in the modified Special Design Area to 55m (17 storey) max for 25m basic height limit, and 80m (24 storey) max for 41m basic height limit. The Amendment No 25 map of 'Basic' Height Limits is most misleading, when 'height limits' can be varied upwards (currently no height limit), and so are in fact not height limits.
- I am unclear as to whether the proposed modifications will impact on the developments which have already been approved, viz 38 storey mega tower at Civic Triangle, 39 storey mega tower at 24 Lyall St/ 31 Labouchere Rd, and any others?
- Perth Zoo supports the absolute height limits proposed by this Amendment. This is a critical outcome to protect the amenity and care of the animals at the Zoo and help reduce the amount of encroaching shadow, particularly along Labouchere Road and some areas of Mill Point Road. Developments which have already been approved under Amendment 25 are in excess of 65m high and will cast a significant shadow on to the Perth Zoo site. We wish to ensure the Perth Zoo site remains as an iconic cultural landmark for the City amidst the transforming urban context around the Zoo.
- Height limit to match the existing built environment at the peninsula end of Mill Point Road is critical to preserve the character of the residential area. This tree-lined avenue is unique and should not be destroyed by increased traffic flow.

- Agree with proposed height caps but these needs to be more specific, especially when basic 'height limits' can be carried upwards.
- While we are of the view there does not need to be ANY additional height allowed under Amendment 46 in order to achieve the objectives of the SPSPP, on the basis that additional height will be allowable in specified areas we propose the following for Clause 6.1 (b):

  "Where it is demonstrated that the development site cannot reasonably be amalgamated with any adjoining land in the Special Design Area due to the scale of development on, or form of tenure, or use of the adjoining land:

  - *the development site has both an area of not less than 1530 sq. metres AND a frontage of not less than 22.5 metres where the proposed development exceeds the Building Height shown on Plan 3 by up to 10%;*
  - *the development site has both an area of not less than 1615 sq. metres AND a frontage of not less than 23.75 metres where the proposed development exceeds the Building Height shown in Plan 3 by up to 15%."*

  All proposed developments that exceed the Building Height shown in Plan 3 by more than 15% MUST meet the minimum site and frontage requirements.
- I support the proposal to put a limit on the height of buildings in South Perth and particularly on the Peninsula, as urban infill can be accommodated with medium density infill as described in the Station Precinct Plan.
- Sensible height restrictions should apply to the South Perth area, that is 10 storeys or below. This is on account of overshadowing and traffic issues. Also the developers have not demonstrated that the subsoils can accommodate builders greater than 10 storeys.
- Whilst acknowledges the benefits of urban infill the increased height allowances will adversely affect the social amenity and streetscape which makes the peninsula an attractive location in which to live.
- I support creation of clear, absolute height limits within the SDA. The original height limits (412, 25m, 10m etc) should become the notional maximum limit of buildings in the area and no performance bonuses should be recognised. This allows the orderly planning of the area and allows developers to design building within a known building envelopes both within a lot and neighbouring lots. External appearance of a building does not reflect whether it meets performance objectives.
- Limit the height within the peninsula area to eight storey especially with no setbacks and jeopardising the trees along Mill Point Road.
- I am not opposed to the additional heights discretion for the area outside the Peninsula within the SDA. We need to avoid square, block buildings where the developers use up all the available space on the site and which can interfere with the view corridors of neighbouring properties, distract from the streetscape and ultimately devalue the entire precinct. There are many excellent examples around the world that show 6-8 storey buildings can be architecturally interesting as well as profitable.
- 74 Mill Point Road development completely disregards the ambiance of this road, which features a unique avenue of trees. This is not a street to allow buildings without setback from road. This drastically spoils the amenity of the thoroughfare and by allowing development to be built to the rod boundary, grossly disfigure the trees; put the trees in danger during construction; tree maintenance to keep the trees clear of the building sin the future will be a problem; proximity to the trees to the building will potentially breach

security of the building and $300 000 is an most inadequate penality for damage to tress for this size development.

- We have become a city of high rise boxes. After travelling overseas the cities who have been successful I have found are ones like Dubai and Singapore that have amazing building styles that don't rely on height but imagination. These are cites that attract not boxes. People love to visit and to live in.
- As someone who, having lived in overseas for many years, is familiar with the impact on high rise on the environment I urge South Perth Council to reaffirm and strengthen building height limits. The roads in South Perth simply cannot handle the traffic that high rise generates through resident car use. Civic Heart and Aurelia across the road will combined add several hundred residences to the area with a broadly equivalent number of cars. The constructions of these two blocks already put a strain on the area. I respectfully suggest that even a small number of high rises have the effect of reducing air flow and locking traffic generated air pollution into the area. Believe me, you don't want South Perth to become little Hong Kong in this regard. South Perth train station is questionable as the ferry is likely to be for many residents a closer and far more pleasant way to getting into the city.
- It appears absolute height limits of 55 and 80m is based on meeting performance criteria. Some of the performance criteria should be incorporated in the building without increase in height. The amendment does not appear to have any nexus between meeting performance any additional height.
- The Submitter provided comments on Plan 3, Building Heights, and provided comments seeking to move the 41 m height limit east of Melville Parade towards Labouchere Road so they are more central to each block, with 25m building radiating either side towards Melville Parade and Labouchere Road.

Element 6 Special Design area, Item 6.2 (i) :

- Where Plan 3 shows a Building Height Limit of 25 metres –

  Amend the Development Requirements:-

  (Category A) ~~5~~ 3 Performance Criteria *Table B, Item 7*: ~~35~~ 28 metres; or

  (Category B) ~~7~~ 4 Performance Criteria *Table B, Item 7*: ~~40~~ 31 metres; or

  (Category C) ~~9~~ 5 Performance Criteria *Table B, Item 7*: ~~55~~ 35 metres

Element 6 Special Design area, Item 6.2 (i) :

- Where Plan 3 shows a Building Height Limit of 41 metres –

  Amend the Development Requirements:-

  (Category A) ~~5~~ 3 Performance Criteria *Table B, Item 7*: ~~50~~ 44 metres; or

  (Category B) ~~7~~ 4 Performance Criteria *Table B, Item 7* : ~~60~~ 47 metres; or

  (Category C) ~~9~~ 5 Performance Criteria *Table B, Item 7*: ~~80~~ 50 metres.

The (basic) Plan 3 building heights were to meet the predicted population growth. No details have been provided to suggest that these base heights are inadequate or warrant significant height allowances, so an increase of 20% allows some variety.

(New) Item 6.6

Add: Where a development is approved for a height greater than that shown in Plan 3, the Developer shall be liable to reimburse Council for the cost contribution associated with the additional Infrastructure, as detailed in the Developer Contribution Plan Report as

per Schedule 10 Developer Contribution Plan and not less than that directly proportional to that additional height approved.

While acknowledging that higher density living is essential throughout the inner Perth area, as in Europe and other places, higher density does not equate to a need for tall buildings completely out of character with the precinct.

- The submitter suggested solution is to allow additional significant heights on sites adjacent or near to the approved buildings to create a cluster effect but only at the lowest heights which are appropriate to ensure harmony of built form. I suggest that a maximum of 60 metres is appropriate in those areas with prescribed 41 metre heights- and a maximum of 35 metres in areas where the prescribed height is 25 metres. There are many good planning reasons why development of 60-80m (or more) are not appropriate anywhere in South Perth, particularly in relation to traffic and population.

- The submitter supports putting a limit on the height of buildings in South Perth as urban infill needs to be accommodated with medium density which does not add to the significant social and traffic problems. The City of South Perth has stated that it will accept the additional 8300 dwellings required to accommodate the additional people expected in Perth by 2050 as stated in previous comments above. But nowhere does it state that these dwellings are to be within 500m of the South Perth PO as recently expressed by group of developers. As previously mentioned in comments above there are other areas within South Perth that can accommodate the additional dwellings required including Canning Bridge and Northwest section of Bentley-Curtin campus.

- The submitter proposes that the limit of bonus in height be graduated up to 20% not 100% as suggested in the following new wording:

  "In the current Special Design Area, where there is no upper height limit where all required performance criteria in Table B are met. The modified provisions will impose absolute limits on the extent of a variation from the applicable basic building height limit. Under the modified provisions, it is proposed that building height would be constrained to no more than ~~100%~~ 20% above the applicable basic height limit"

- Towering high-rise living is becoming more common in many cities, but famed social researcher Hugh Mackay says it is detrimental to social wellbeing. It is a big mistake, Mr Mackay said. "In 100 years we're going to look back all of this and say, 'That was an error, this is not how people are meant to live'." Mr Mackay's research suggests when people are crammed together in high-rise buildings, there is less social interaction. High Rise apartments create disunity and disharmony

  Glances are avoided in the lifts and hallway conversation is stifled as people become more obsessed with their privacy given their proximity to others. It's a funny thing about humans," he said. "The higher density the housing, the less likely we are to socialise as we become more focused on our privacy."

  This has led to a culture of people who, even though they are living metres away from each other, never meet their neighbours. Mr Mackay says medium density housing – "terraced town houses or small unit complexes" – should be preferred as it would avoid the problems of high-rise.

  In his book *"The Art of Belonging"* Hugh Mackay says "....humans are, by and large, social creatures that need to live in close proximity to each other..... the natural human tendency is "to seek the security of being woven into the social fabric" – whether it is a community within a city or suburb, or whether it is a sporting community, cultural community, or work community. Humans are congregators, living in "cohesive communities" that produce "coherent moral systems."

When communities fragment or disintegrate, so do moral standards. We are not good at surviving in isolation. We rely on communities to support and sustain us, and if those communities are to survive and prosper, we must engage with them and nurture them. But the tension between independence and interdependence is why we feel conflicted and confused. In our modern, smaller households we can do that by living in a small to medium city, village-like suburbs, or smaller apartment blocks. But not in 'mega-cities' in a high-rise skyscrapers.

MacKay stated in a speech in Perth in 2015 that *".....City planners will come to the realisation that "high-rise" is wrong, wrong for people and wrong for communities. High-rise towers are good at creating detached, isolated and disenfranchised clusters of people - a new type of ghetto".*

Other researchers like Danish architect and planner, Jan Gehl, insists people living above the fifth floor lose their connection with "mother earth" and the society below. I would say that anybody living over the fifth floor ought generally to be referring to the airspace authorities. You're not part of the earth anymore, because you can't see what's going on the ground and the people on the ground can't see where you are.

It is very easy to find numerous articles, reports and research on the disadvantages of living in High-rise apartments. This type of housing has been widely criticised by many researchers and organisations for over-shadowing and destroying streetscapes and skylines. Skyscrapers have high life-cycle emissions compared to medium density housing and in some instances are associated with mental illness and socially dysfunctional behaviours. RMIT planning expert Michael Buxton, commented recently on the scale of high rise approvals saying the speed of approvals is causing huge problems "This is a really irresponsible way of planning a city. What high-rise does is separate large numbers of people from the street, so we end up with a city that is detached from street life and one that is based on enclaves and secured access " And Buxton says his research shows that high-rise towers were "among the world's worst energy performers". This does not sound like the statements made in Council's various policies on Sustainability, Climate Change, Energy Efficient buildings – more studies and analysis is required before large scale high-rise is accepted as the fashionable way to proceed.

- Who benefits from high-rise? Residential housing, apartment and commercial property sales fluctuate constantly – at the moment many are at an all-time low. This scheme needs to be flexible enough to accommodate these fluctuations, but not bow to pressure or be manipulated by investors who have money to move from their country of origin, or from developers who are understandably interested primarily in ROI. Multi-national property investment companies are funnelling money into the Perth apartment market, just as is in cities such as Toronto, London, New York, Hong Kong and Dubai. Developers and Investors ideals are not aligned with those of the local community and local council town planning schemes should not be designed to facilitate this transfer of funds without real benefits flowing to the community for years to come. By all means encourage investment in the city, but this should primarily be for the benefit of the whole community not just those with very vested interests.

3(b)	**OPPOSING submitters' comments on creation of absolute height limits**	**(231 submitters)**

- The additional building height should not be linked to the provision of public amenities or social housing, which will stifle commercial viability of many projects (which is difficult enough in the first place) and provide facilities for free, both being morally dishonest. There is ample existing affordable housing in South Perth.

- If the Council wants high-rise development, then let it proceed unencumbered.
- I disagree on putting absolute height limits in South Perth, as there would be a wall of buildings of similar height, as developers try to get the maximum return on the land whilst still making a profit. Submitter would only support height caps if all landowners agree on a master plan for the area prescribing ample open space, rather than each having their individual building plan. In Shanghai (with a population equal to that of Australia), in outer areas not far from transit centres, many residential buildings are no taller than 18 stories. However, they have a formula in place which I think would suit the aesthetics of South Perth as well as for the benefit of the community. Buildings facing the street have lower podiums of up to 2-3 stories. Towers are then set back and are no wider than say 15 meters wide. The length of the building can be a maximum of say 40 meters or less. For every building say 60 meters tall, there is a gap of 60 meters to the next building. This allows areas of public open space and every apartment has a quality breeze-way, plus they get so many hours of sunshine on their balcony every day. There would be more trees and less concrete. This in turn also reduces the energy consumption on buildings with less need for air-conditioning and drying of clothes. Buildings have more central court yards and smaller mixes of shops and community spaces for children through to adults.
- The proposed modified Amendment 46 is not consistent with the Objectives of the South Perth Station Precinct *(as stated in Amendment No. 46)*. The Amendment will introduce prescriptive development controls that afford the decision-maker no opportunity to exercise discretion, and which will restrict the ability to permit additional building height in return for achieving high quality urban design outcomes. At present, the flexibility in building heights provided by Amendment 25 (at least within the Special Design Area) encourages architectural innovation, varied heights, and contrasting built form outcomes that enhance the skyline and add to the diversity and character of the area. This was one of the reasons for including the area north of Judd Street in the Special Design Area in the first instance. In the City's Responsible Authority Report presented to the Metro Central Joint Development Assessment Panel ('JDAP') meeting held 25 May 2015, the City provided a summary of the reasoning and logic behind the boundaries of the Special Design Area, and advised as follows:

  "Introduction of the new and varied height limits would assist in providing a varied and interesting skyline whereas at present many buildings in the Peninsula area are all built to a similar height" (Metro Central JDAP Agenda, 25 May 2015, RAR Page 8).

  By allowing taller buildings, there is greater opportunity to achieve slender, taller towers that, consistent with Precinct Objective (f), maximise views by preserving view corridors between buildings. Prescriptive height 'caps' will have the opposite effect: it will discourage design innovation and result in 'squat' buildings that seek to maximise (vertically and horizontally) the available building envelope in an effort to capitalise on the available views. This in turn will severely restrict the opportunity for residents of other buildings (existing and proposed) to enjoy the available views that might have been available in the spaces between buildings, contrary to the intent of Objective (f).
- This proposal does not really allow for any flexibility for a proposed development as it takes away the Town Planning Departments discretion on what could be an attractive community small block development.
- Imposing height limits in what is basically the city area does not make sense if Perth is to grow to become close to a world city. There is already enough evidence that the continuing urban sprawl of Perth does not create a better Perth and environmentally is not ideal. The new generation want to live in smaller more convenient housing and close to the city.

- In line with the State Government's *"Directions 2031"* targets and expectations, the South Perth Station Precinct is a locality designated to accommodate significant growth. The whole of the City of South Perth is expected to accommodate 8,300 new dwellings by 2031. Amendment No. 25 carefully considered this, and the community determined that it preferred to accommodate this growth in identified areas of the City that could be adequately serviced with public transport, including the South Perth Station Precinct. This locality was selected because the community participants did not want a broad spread of increased density over the district as that would negatively impact the amenity of single family homes in the wider community and add to the traffic congestion. For example, on the corner of Labouchere Road and Rea Street where a single house with 2 cars was demolished, we now have 3 houses which generate a minimum of 6 cars.
- Constraints on building height variations and lot area variations will stifle creative design and innovation.
- Discretionary height is a key component in delivering design excellence. This is threatened by the proposed introduction of absolute height limits.
- Putting an absolute limit on height will rule out the prospect of having 'landmark' towers that might provide some architectural flavour to the South Perth skyline, and will encourage uniform short, wide apartment blocks instead.
- Blanket height restrictions can hinder the protection of view corridors.
- For a locality less than one kilometre from the CBD of a major capital city, height restrictions should not be applied in this manner but rather, managed by way of outcomes and objectives that utilise the expertise of relevant professionals through appropriate channels, ensuring that the best outcomes are achieved for the community.
- While organised protest groups are reacting to 40-storey buildings, the Council must consider the future. This is not high in Sydney, Melbourne or Queensland.
- Completely unacceptable to impose the proposed absolute height limits. This is not based on sound planning principles and it impacts property rights.
- This is the 'City of South Perth'. 'Cities' have tall buildings which are very much desired. For too long, South Perth has been suppressed. It should be allowed to flourish in keeping with the times and economic conditions. Future generations will then reap the benefits of increased desirability and amenity. The additional City revenue will make possible more public buildings, parks, piazzas etc for the benefit of the whole community.
- Absolute height limits undermine the viability of the South Perth Station Precinct due to reduced flexibility.
- Development will be suppressed and businesses will continue to move away. While our future building in Hardy Street would be much smaller than those in the Special Design Area, we accept that the taller buildings would permit view corridors and that shadowing changes through the day and seasons. It would be disappointing to see wall-to-wall low, fat buildings eventuate, which is the likely outcome of the modified Amendment No. 46.
- Scheme 6 currently allows bonus heights for design innovation. Existing buildings in the South Perth peninsula have created a boring low fat wall of buildings along the Swan River front, allowing views only for those dwellings facing the river. Taller buildings tend to be narrower, allowing shared views between buildings and lessening the effect of shadowing. Wide, fat structures tend to shadow for longer.

- Oppose absolute height restrictions. The emphasis should be on design and quality. Recently approved developments are a vast improvement on existing apartment buildings. Retention of current flexible approach will allow proposed buildings to be assessed on their merits. In this respect, members of the community will have opportunity to voice concerns at the 'development application' stage.
- Development is usually beneficial, adding amenity to a residential area. Where developments have not been so beneficial, the difference is 'design'. Good design should be rewarded, as much as size of land holding. The additional plot ratio and height limits for larger parcels of land should apply to other factors e.g. energy star rating, innovative design, added amenity etc.
- If there are specific concerns about impact of an individual development, they should be clearly articulated, put to a review committee, and treated on their merits.
- Specific design concerns are not a reason to discard or diminish well thought out town planning.
- Currently there is approx. $1Billion of new projects approved or in various stages of construction in South Perth, giving great economic benefits to the local retailers. Coupled with the predicted economic slowdown over the next 12 months, the Council's proposed alterations to the current Scheme will potentially put an end to much of the proposed development, and an end to Council's objective to create sufficient population and workforce in the area to justify the State Government's construction of a train station serving the precinct.
- Rezoning of the Scheme area, including our property at 78 Mill Point Road, was achieved after extensive community consultation and a proper planning process over 5 years. The South Perth Station Precinct boundaries were chosen to encompass a population within 800m walking distance of a potential train station and the new Scheme proposals were intended to provide incentive for redevelopment of the rather sad section of South Perth between the Mill Point Road traffic lights and Frasers Lane - revitalising an area comprising predominantly obsolete offices and residential flats. In the area facing extraction from the Special Design Area, there is nothing worthy of retention and certainly nothing of 'iconic beauty' as some have argued. While 'peninsula' do enjoy a unique lifestyle, there is scope for obsolete existing buildings to be replaced with a few quality high-rise developments, enabling others to share in one of Perth's most unique, attractive and desirable residential apartment locations.
- Councillors claim they did not comprehend the height, setbacks, scale etc of the developments that resulted from their implementation of Scheme Amendment No. 25. However if this is so, they should have taken the time to learn about the ramifications prior to implementation. If unable to comprehend plot ratio, site coverage, heights, car parking ratios etc, the question must be asked as to whether they are now qualified to properly oversee a complete review of a current Scheme, against the recommendations of their planning staff.
- Council celebrated the sale of the 'Civic Heart' site and the general optimism that this development would provide the catalyst for rejuvenation of the precinct with improved amenity and renewed vibrancy to a tired Mends Street. As a focal point for South Perth, Mends Street has unrivalled natural features and beauty, with expansive river-front recreation reserves, the Swan River, proximity to the CBD, Perth Zoo and some excellent preserved historical buildings . The location is world class and as much as I love the rustic charm of South Perth, it is time to allow it to evolve and reach its potential as one of Australia's iconic destinations, not only for the benefit of existing South Perth residents but also for those who want to become residents and enjoy the northerly aspect and views

across Perth Water to the CBD. One or two new projects will not achieve this rejuvenation, but a planned systematic redevelopment of the area will.

- I am not necessarily in favour of 38 storeys on the corner of Lyall Street and Labouchere Road and some of the other approvals, but still believe this should be allowed to progress. While the forces of supply and demand and the economy will prevail, the Council's duty is to ensure developers comply with the highest standards as would be required of a building meeting a '6-star' energy-efficiency rating. However, a building containing '6-star' residential apartments cannot properly also include commercial offices, single bedroom apartments or social housing.
- Currently proposed changes to the Scheme will halt future development, in the long run have a negative effect on land values, and lead to predominantly mediocre development of inferior 'build' quality - medium rise projects that will not stand the test of time.
- I believe a higher rise outcome will have far more appeal e.g. like Southbank in Melbourne, than a high density medium-rise outcome, which is the flawed Subi Centro model.
- Placing a cap on building heights is not desirable. It will create a mundane 'planning' outcome with little incentive for quality architecture. A better form of control would be to limit the depth of basements. In our soils, the excavation required for 5-storey deep basements will disrupt neighbouring residents during construction. These basement car parks will also be difficult to exit from, especially at peak period. Limiting basements to 2 or 3 levels will limit the amount of building floor space.
- I disagree because under the existing scheme different building heights are allowed which will provide a greater diversity in design and higher standard of architecture, and if there are benefits for the community when the development can build higher than the standard height, then we all benefit, and of course a taller building will also bring in greater revenue for the City.
- I object to the mandatory prescribed height limits, as it is a design restriction that limits innovation and excellence in design. Furthermore, I see the results of the mandatory height limit of 5 and 8 stories through the precinct (which I objected to at the time) across the Mill Point Peninsula, has resulted in a monolithic wall of buildings between Perth Water and Melville Water. We now have the opportunity to provide variety and relief to the current status. Had no arbitrary defined height limit been determined, we may also have preserved far better view corridors across the Peninsula.
- The implementation of absolute height restrictions has the potential to stymie development, reduce jobs and promote further suburban sprawl or battle-axe development to meet the growing demand for housing in WA.
- Creation of absolute height limits is not necessary as long as the quality of the developments are not compromised.

3(c) COUNCIL'S response to submitters' comments on creation of absolute height limits

For developments in the Special Design Area which satisfy all of the required performance criteria, the current Scheme does not impose any upper limit on the extent of possible variations from the nominated 'basic' height limit. However in its modified form, Amendment No. 46 proposes to introduce absolute height limits in these circumstances.

The arguments of the submitters supporting the proposed new height limits are summarised and discussed in Section 1(c) of this report. Broadly, the themes of their supporting arguments are as follows:

- The existing Scheme provisions with no absolute height limits in the Special Design Area, carried forward by the original version of Amendment No. 46, exceed any reasonable community expectation of maximum building heights envisaged in the *South Perth Station Precinct Plan*.
- The proposed drastic increase in height would be completely out of character with the current architectural tone and natural landscape of the South Perth peninsula. *(This same argument is presented in support of the reduction of the Special Design Area)*
- The proposed 'stepped' height limits linked to the new performance criteria are a measured response to halt unlimited development and curb excesses of the kind being permitted by the Joint Development Assessment Panel. Therefore both Development Requirement 6.2 of Table A and the modified Table B Performance Criteria are supported.

It is clear that many submitters consider the most essential modification is the removal of the 'Special Design Area' designation from Mill Point Road properties north of Judd Street. This report recommends continuing support for that particular modification to Amendment No. 46. If this change is supported by the Minister, the affected submitters' primary objective will be achieved without the need for the introduction of absolute height control in the remaining parts of the Special Design Area.

While arguments in favour of the proposed height limits have been presented by submitters, many other submitters disagree with those arguments. In opposition to the proposed new absolute height limits, the 'opposing' submitters have presented different arguments, as itemised above under 'Submitters' Comments'. Furthermore, many submitters contend that the advertised height limits are arbitrary and not appropriate. Those submitters recommend a range of different height limits. This highlights the difficulty in introducing any new absolute height limits without further investigation.

On balance, the 'opposing' submitters' arguments are considered to outweigh those of the 'supporting' submitters. In any event, in the absence of any analytical reports or studies providing 'planning' justification for the selected absolute height limits, Amendment No. 46 is not the appropriate instrument for the introduction of such a radical change.

Rather than pursuing absolute height limits as part of Amendment No. 46, after considering the report and recommendations of the Council's appointed planning consultants, the general issue of height limits and possible additional design control measures will be considered further when the Council is dealing with the intended further Scheme Amendment for the South Perth Station Precinct.

As explained previously, under the current Scheme provisions, where an applicant seeks approval for any increase in building height above the nominated 'basic' height limit, the same set of performance criteria must be met irrespective of the extent of the height variation being sought. It is now recognised that this requirement needs to change. An applicant should be required to meet progressively more performance criteria and more demanding criteria as the extent of a proposed height variation increases. Amendment No. 46 is implementing changes to this effect. At stepped 'height' intervals, progressively more performance criteria must be met. Under Amendment No. 46, all performance criteria relating to the Table B Design Considerations 1 to 7 must be met in order to qualify

for any building height variation; however in relation to Design Consideration 8 'Benefits for Occupiers and Local and Wider Communities', depending on the extent of the applicant's proposed height variation, they will be required to meet only 5, 7 or 9 of the 11 performance criteria linked to that particular Design Consideration.

Some of the submitters favouring absolute height limits say that, to qualify for height variations to any degree, applicants should be required to meet all of the performance criteria. While the Council still considers that the performance criteria should become progressively more demanding as the proposed building height increases, it is agreed that, for the uppermost brackets where no height limit applies, applicants should be required to meet all 11 of the Table B performance criteria applicable to Design Consideration 8 in addition to all performance criteria relating to Design Considerations 1 to 7. Indirectly, this may result in applicants proposing lower buildings than some of those proposed in recent times, if applicants are not prepared to meet all of the Design Consideration 8 performance criteria.

The following is a summary of the reasons why absolute height limits should not apply within the Special Design Area where all Performance Criteria are met, including all 11 of those in Design Consideration 8:

- The requirement will maximise occupier and community benefits.
- Adverse effects of absolute height limits include –
  - Monotonous skyline;
  - Greater obstruction of views;
  - Not appropriate in this 'inner city' location; and
  - No incentive for high quality design.
- The differing opinions expressed by submitters on optimum height limits highlights the difficulty of selecting suitable limits.
- Absolute height limits are not appropriate under Amendment No. 46 in the absence of analytical studies providing proper 'planning' justification.

Having regard to all relevant considerations, the Council recommends that:

(a) the Supporting comments be:
  (i) UPHELD to the extent that all Performance Criteria will need to be met where an applicant proposes a building higher than 40 metres in the 25 metre Building Height Limit area, or 60 metres in the 41 metre Building Height Limit area; and
  (ii) NOT UPHELD in relation to the imposition of absolute height limits in the Special Design Area;

(b) the Opposing comments be UPHELD;

(c) the re-advertised provisions in the modified Amendment No. 46 relating to building height contained in Element 6 'Special Design Area' in Table A of Schedule 9A be amended:
  (i) to allow unlimited building height where all 11 of the Table B Performance Criteria applicable to Design Consideration 8 are met; and
  (ii) in Design Consideration 8 'Benefits for Occupiers and Local and Wider Communities' in Table B of Schedule 9A, by the deletion of Performance Criterion (i) and insertion of the following new criterion in its place, under the sub-heading "Wider Community Benefits":

    "(i) A commercial use with wider community benefits such as Child Day Care Centre, after school care centre, Consulting Rooms, Educational Establishment, or other use having wider community benefits."

(d) after Council has considered the recommendations of the consultant appointed to review all development controls for the South Perth Station Precinct, the issue of height control be considered further when dealing with the subsequent Scheme Amendment.

4. Increased street setbacks in certain streets

4(a) SUPPORTING submitters' comments on increased setbacks	(300 submitters)

- Additional street setbacks are supported on Bowman, Charles and Hardy Streets.
- Schedule 9 does not make express provision for how to reconcile streetscape preservation and enhancement, with nil setback development. This has resulted in poor planning decisions such as the approval of 74 Mill Point Road where the nil setback of the development will impair the visual amenity of the streetscape. The new Amendment would introduce a 4 metre setback to buildings along part of Mill Point Road and Bowman, Charles and Hardy Streets.
- Mill Point Road within the Mill Point Peninsula: Aside from the potential for views of the Swan River and the city, the principal visual amenity feature of the Peninsula locality is its street trees. For Mill Point Road, this means the historic avenue of mature London Plane trees extending from the Old Mill towards Judd Street. This portion of Mill Point Road will now be excluded from the Special Design Area. The proposed 4 metre setback will ensure the protection of the historic trees and the visual amenity of the avenue.
- Bowman, Charles and Hardy Streets: Under Schedule 9, there is currently a nil setback for development to these streets. The new Amendment 46 proposes a setback of 4 metres which is generally consistent with the current street setback and will protect on-site landscaping and provide for a more open street character (in contrast to streets in the Special Design Area).
- I agree with the increased 4m setback especially in Mill Point Road from Judd to Scott Street, and Harper Terrace to Frasers Lane. The zero setback in Mill Point Road is not orderly and proper planning, as it is in obvious conflict with the ambience of the much aesthetically valued avenue of trees leading down to the Old Mill.
- Agree with 4 metre setback, however it is unfortunate that a major development has been approved in Mill Point Road without such a setback , putting heritage trees at risk. No amount of monetary compensation can negate this.
- Streetscape development needs to be carefully considered in order that a welcome environment is retained in mainly residential areas. The northern end of Mill Point Road is where many homes are situated and reasonable setbacks there allow for welcome greenery strips of natural trees and shrubs to soften the often hard lines and shapes of modern concrete buildings. One only has to look at the new Pinnacle development in Labouchere Road opposite the Zoo to see how harsh the impact can be of a single concrete wall situated right on the edge of the footpath where no set-back has occurred. This unwelcome feature is often necessitated by the need to fully utilize and even overuse a building site in order to accommodate large structures which overstep established long-term urban street designs and regulations. We strongly urge the establishment of reasonable set-backs in residential areas and the northern Mill Point Road in particular.

- I support the removal of zero setbacks in all streets on the peninsula, as it reduces the provision of tree-lined streetscapes, a necessary amenity in a liveable environment and it enhance liveability for all.
- Whilst acknowledges the benefits of urban infill the removal of setbacks will adversely affect the social amenity and streetscape which makes the peninsula an attractive location in which to live.
- I support mandatory setbacks in the SDA.
- I support this. The Pinnacles is somewhat stark and overpowering and there should not be too many such buildings. The setback proposed will reduce any 'canyoning' of roads.
- I support that the clear statement that here be at least a 4m setback on Mill Point Road in the Peninsula in order to protect the vista of the London Plan trees. The fact that there is a mandatory setback will not prevent developers from providing podiums or other graduations of height; it just means that they will have to be setback further back from the road.
- Increased setbacks are essential to make an attractive and sustainable area for people residing in the area. All new development must maintain and increase the leafy environment by increasing setbacks and requiring developers to plant substantial tree on the verge and in front of the building. This will provide shade in summer and add aesthetics of the area. Developers should pay in advance to allow the council to maintain trees on any council land.
- Submitter provided comments on Element 7: Relationship to the Street and the following comments:

  Item 7.1 – Amend the Development Requirement "The street setbacks apply to both residential and non- residential components of buildings *in all areas and the setback shall* only *be reduced where the adjoining property already has a Nil setback. No discretion is allowed to approve any development with a lesser setback than its neighbour or heritage property."* The boundary wall with a Nil setback Podium can cause an overpowering and severe disruption to the visual amenity and character of an adjoining property which already has a setback greater than Nil.

  Item 7.3 – Add to the Development Requirement list: (i) Labouchere Road. "A street boundary wall with a Nil setback Podium can cause an overpowering and severe disruption to the visual amenity and character of the tree lined street scape."

  Item 7.5.1 (a) – Amend "For properties in all streets not referred to in Development Requirements 7.3 and 7.4, the street setback to the podium *shall* be zero for a minimum of 60% *maximum of 50%* of the street frontage." This 50% is intended to meet the requirements of preface to Element 2, with a typical depth for the area of not less than 6 metres.

  Item 7.5.3 and associated Guidance Statement – Delete.

  ~~Where satisfied that the intent of the related guidance statement is met, the Council may grant approval for cantilevered balconies or decorative elements to be set back a minimum of 3.0 metres from the street boundary of the development site.~~ Balconies within the setback enable the developer to "sell" the floor area which is intended to provide light and vision corridors.
- The submitter suggested that the previous mandatory nil setback in the Special Design Area also made no planning sense when applied to the Peninsula. Not only is this

vandalism of a view enjoyed by all visitors driving to South Perth from Freeway South but it wholly undermines the vision in the Station Precinct Plan which provided as one of its core principles that redevelopment should facilitate *"an active and enhanced public domain that highlights the scenic qualities of the precinct and its unique heritage character"*. The principal visual feature of the Peninsula is an avenue of London plane trees which creates a sweeping canopy vista extending nearly 40 metres across. This tree avenue has existed in various forms for more than 100 years and is one of the last remaining vestiges of South Perth's history.

- I am particularly concerned about the loss of private trees and green open space, which make a significant contribution to the area's amenity and promoting good mental health of the local community. The reinstatement of setbacks should assist with either retaining existing trees or allow new trees and green space to be included in new developments particularly at street frontages. This will facilitate maximum contribution to the public realm in visible amenity terms. It will also allow existing or new trees on public verges and pathways to develop a canopy size where good summer shade is provided thereby combating the urban heat island effect, enhancing local amenity and also encouraging the community to walk more, particularly in summer, Vibrancy will be created and congestion and car exhaust pollution reduced.

4(b) OPPOSING submitters' comments on increased setbacks	**(222 submitters)**

- Having issued some approvals at street setback under Amendment No. 25, it would be illogical to require other developments to set back 4.0 metres – not a good look and smacks of disorganisation and amateurish 'policy on the run' sparked by those who were disinterested during the formative years of the precinct vision.
- All commercial developments should be built on the boundary with a weather protective canopy provided for pedestrians and if there is a 4 metre setback I cannot see how a canopy can be provided, this seems to be common sense.
- A 4-metre street setback is inappropriate for a commercial locality, disengaging commercial uses from the street; and contrary to the following objectives of Special Control Area 1:

  "(d) create a high quality inner-city urban character;

  (e) promote a high level of pedestrian amenity with active street frontages to create a liveable and accessible environment for visitors and residents."
- The planned pedestrian pathways with covered awnings for protection from the elements and the commercial interface at street level will become 'hit-and-miss'. Instead of providing a modern streetscape it will look like a piecemeal planning effort. Likewise changing the street setbacks for podiums to 4.0m will have the same effect. We either have awnings over footpaths, that encourage walking, or we have street trees. It is difficult to have both.
- This is contrary to the established 'podium and tower' design concept. A blanket 4-metre setback requirement has the potential to create buildings that, while set back 4 metres, are more dominant on the street because as they increase in height they won't be stepped back further. Appropriately designed buildings with a podium close to the front property boundary can have a better streetscape outcome without sterilising 4 metres of land at the front of a lot.
- A 4-metre setback is in direct contradiction to the increased non-residential plot ratio.

- With a 4 metre street setback, Bowman Street developments will have a reduced interface and activation with the public realm at ground level, contrary to common planning practice and built form for key 'activity nodes'.
- Landscaping of front setback areas will reduce passive surveillance of the public realm.
- If vibrant ground level cafés and shops are a desired outcome then building along the street front must be permitted. All popular café retail strips I have visited Paris, Rome, Nice, Madrid, Athens, Istanbul, Sausalito San Francisco including our local Northbridge, Fremantle, Claremont, Oxford Street, Beaufort Street and Albany Highway all have street front buildings with footpath alfresco seating to add atmosphere complimented by our climate.
- Setbacks will create an uneven streetscape. Conversely, street-front buildings will allow regular shop fronts and footpath cover awnings. Street frontage is more acceptable to retailers and café operators allowing them to expose individual identity and vibrancy. Setbacks would increase the risk of antisocial behaviour.
- Building setbacks would be a retrograde requirement if a town centre concept is trying to be achieved.
- The setbacks will adversely affect the number of cars that can be accommodated on site, rendering many properties undevelopable.
- Even under the existing Town Planning Scheme 6, many typical single lots of 600 sq. metres that cannot be amalgamated can only achieve a height of 3-4 storeys. Under the proposed Amendment 46 those same single lots, coupled with the proposed 4-metre setback requirement, cannot be developed and probably will remain as single homes and add nothing to the growth and vibrancy of the area.
- The 4-metre setback, coupled with a mandatory 1.5 non-residential plot ratio has effectively rendered my 597 sq. metre Charles Street property undevelopable and stranded - an unfair and unsightly outcome with current approvals involving a zero street setback which facilitates interaction with pedestrians and a vibrant streetscape. *(Similar comments from a Lyall Street landowner)*
- Our 597 sq. metre Hardy Street property has been held by related interests since 1992. It was our intention to build a 3 or 4 storey street front office building on the site, but the proposed 4-metre street setback effectively ends our plans to rebuild and we may need to move away from the area.
- A 4-metre setback in Lyall Street would be inconsistent with the approved 'zero' setbacks at Nos. 6 and 7 Lyall Street, forcing more use of unattractive car stackers prone to mechanical failure. *(Note: Council is **not** proposing to introduce a 4-metre setback for Lyall Street properties, all of which are in the Special Design Area.)*
- Amendment 46 is too restrictive and severely disadvantages smaller lots and design initiative.
- Loss of visual continuity with 'corner' lots permitted to have a 'nil' setback.
- Inefficient use of land and adverse impact on development potential of affected properties.
- Our 3,600 sq. metre Hardy Street property is among the largest landholdings in the precinct and we are able to make a significant contribution to the area. Town Planning Scheme No. 6 has given legal effect to the concepts in the South Perth Station Precinct Plan. Should Council continue with the proposed changes, it may

give rise to a damages claim based on the substantial expense incurred as a result of assumptions we made, based on the changes to TPS6 introduced by Amendment No. 25. Our particular concern is the proposed 4-metre setback, which erodes the viability of any development proposal. If the Council maintains its current position, there should be compensation by increasing the height limit from 25 metres to at least 30 metres.

- I oppose a 4-metre setback in Mill Point Road, where additional street activation is required, given its proximity to the rest of South Perth's main strip. It would kill street activation and prevent additional amenities being built in what is a 'dead' zone.
- The submitter is opposed to the 4m setbacks for Bowman Street, Charles Street, Hardy Street (except those in the SDA) and Mill Point Road, west side between Judd and Scott Street and east side between Harper Terrace and Frasers Lane. We believe this change will have significant impact upon, Pedestrian Mobility due to lack of canopy cover and under canopy lighting and sense of security on the street due to the reduced sense of containment at street level and reduced under canopy lighting. It is highly appropriate for the precinct to evolve into an inner urban environment.
- We object to the proposed requirement for a 4m setback on the grounds of urban design, streetscape and reduced development potential. The proposed 4m setback will reduce the interface and activation between the buildings and public realm, result in a loss of visual continuity and built form along the footpath (especially given the potential for nil setback on Labouchere Road and Melville Parade corner lots which are within the SDA), prevent the construction of awnings and other shade features over the footpath, reduce passive surveillance of the public footpath from the building and create undefended space in the landscaping between the buildings and the footpath, and produce future development of properties outside the SDA because of the lesser development potential.
- I disagree because this proposal takes away any individual lots flexibility, as within the SCA area there are many blocks of 600 sqm, which are surrounded by buildings or infrastructure not allowing the possibility of expansion to the required minimum of 1520m^2.
- When considered in the context of the existing streetscape and the approved developments on Charles Street as outlined above, minimum setback requirements could produce a disjointed streetscape, offering poor interaction with pedestrians and ultimately resulting in poor amenity for the locality. Whilst we consider the setbacks under the existing scheme provision are sound, we would also support a development stand which allowed a street setback of between 0m and 4m (maximum) dependent on individual circumstances. Allowing a small range for the street setback would enable developers to responds to the context of their sit and its surrounding street setback areas could be used to provide articulation, alfresco dining and the like which would still facilitate a safe and attractive streetscape in the future.
- I object to increase street setbacks to certain streets as it does not fit within the planning logic of a major capital city. The current zero lot lines on the street provide for continuous colonnaded walkways, and podium development at the lower levels to provide the necessary relief from the upper levels.
- Increased street setbacks in certain areas again development quality will ensure appropriate setbacks.
- I disagree with increasing the setback because canopies over the footpath will not be possible. Pedestrians and business owners alike would appreciate canopies protecting people from the weather. An exception should be made if a canopy cannot be constructed due to significant street trees such as on the Mill Point road peninsula.

In those situations, a street frontage property should be exempt from the canopy as the trees provide the shade. There must be some very good planning reasons why the planning scheme encourages interaction between buildings and pedestrians on the property street boundary, and not having a building that is flat all the way up. Why change your fundamental planning.

4(c) COUNCIL'S response to submitters' comments on increased setbacks

In relation to the podium component of a proposed building, this modification to Amendment No. 46 is the introduction of a 4-metre front setback for properties in Bowman, Charles and Hardy Streets (other than those in the Special Design Area) and the northerly portion of Mill Point Road. The Council received a large number of 'opposing' submissions in response to this proposed modification. The strongest opposition was from property owners in Bowman, Charles and Hardy Streets. The numerous reasons for objecting, listed above, are considered valid in relation to properties in those streets.

With a 4-metre setback, contrary to the intention, there will not be canopies over the public street footpaths providing weather-protection for pedestrians. The proposed 4-metre setback is not compatible with the stated precinct objectives (d) and (e) relating to *"high quality inner-city urban character"* and "*a high level of pedestrian amenity with active street frontages"*. Furthermore, such a setback does not satisfy the relevant Guidance Statement (a) for Element 7 in Table A, which refers to the need to *"achieve a high degree of continuity of the street edge"*. The lack of continuity would be extreme at each end of Bowman, Charles and Hardy Streets where the corner sites situated within the Special Design Area would have buildings abutting the street boundary, standing alongside buildings set back 4 metres.

Having regard to the preceding comments, the proposed 4-metre front setback requirement should not be implemented for properties in Bowman, Charles and Hardy Streets.

Although the Scheme should not prescribe a 'blanket' 4-metre front setback for properties in Bowman, Charles and Hardy Streets, in relation to development in all streets having a 'zero' front setback 'supporting' submissions have highlighted the fact that in some instances, a 'zero' setback for the entire frontage of a development site would adversely affect the occupants of an adjoining site. To address this concern taking full account of the 'context' of any proposed development, it is necessary to expand and refine the currently operative provision (Development Requirement 7.5.1(a) in Table A of Schedule 9A). In respect of the podium component of a building, the effect of the proposed changes to DR 7.5.1(a) will be as follows:

(a) Where there would be no adverse effect on an adjoining property, or there is a prospect of imminent redevelopment of the adjoining site, a 'zero' setback will be required for at least 60% of lot frontage unless the Council approves a lesser percentage where satisfied that the proposed development satisfies Element 7 Guidance Statement (a) relating to visually maintaining continuity of the street edge. *(This is generally in line with the current requirement)* however;

(b) where there is no prospect of imminent redevelopment of an adjoining site and a 'zero' setback would adversely affect the amenity of the adjoining property, the Council shall specify the maximum percentage of the lot frontage that may have a

'zero' setback; the positioning of the 'zero' setback portion of the building; and the required greater setback for the balance of the building.

The proposed modification to Amendment No. 46 will also require a 4-metre front setback for properties on the west side of Mill Point Road between Judd and Scott Streets; and on the east side between Harper Terrace and Frasers Lane. This modification is proposed in recognition of the distinctly different character of this portion of Mill Point Road, largely due to the existence of the very large and mature London Plane trees in the street reserve. The 'supporting' submitters point out that a 4-metre front setback will offer more protection for these important historic trees than a 'zero' setback; and will also enhance the visual amenity of this 'avenue'.

The proposed 4-metre setback for the identified northerly portion of Mill Point Road attracted less specific objectors' comments than the objections from property owners in Bowman, Charles and Hardy Streets. In relation to the northerly portion of Mill Point Road, the 'supporting' submitters' arguments are favoured over those of the 'opposing' submitters.

In respect of Bowman, Charles and Hardy Streets, the following is a summary of the reasons why the proposed new provisions should be implemented rather than a blanket 4-metre street setback:

- It will still be possible to provide the intended canopies over the street footpaths;
- An activated street frontage will still be achieved;
- This approach will ensure that Precinct Objectives (d) and (e) are met, relating to providing a high quality inner-city character, pedestrian amenity and an active street frontage;
- The viability of redevelopment for the affected properties will still be maintained.

Having regard to all relevant considerations, the Council recommends that:

(a) the Supporting comments be generally NOT UPHELD;
(b) the Opposing comments be generally UPHELD;
(c) the proposed and re-advertised 4.0 metre front setback requirement not be implemented for properties in Bowman, Charles and Hardy Streets;
(d) the proposed 4-metre front setback requirement be implemented for properties on the west side of Mill Point Road between Judd and Scott Streets; and on the east side between Harper Terrace and Frasers Lane; and
(e) Development Requirement 7.5.1(a) in Table A of Schedule 9A be deleted and replaced with the following:

"(a) (i) Where the Council is satisfied that a podium with a zero street setback would not adversely affect the amenity of an adjoining property or there is a prospect of imminent redevelopment of the adjoining site, a zero setback is required for at least 60% of the frontage of the development site unless the development satisfies Element 7 Guidance Statement (a); and

(ii) where there is no prospect of imminent redevelopment of an adjoining site and the Council is of the opinion that a podium with a zero street setback would adversely affect the amenity of the adjoining property, the Council shall specify:
(A) the maximum percentage of the lot frontage that may have a zero street setback;
(B) the positioning of the portion of the building with a zero setback; and
(C) the required greater setback for the balance of the building."

(f) Development Requirement 8.1 in Table A of Schedule 9A be deleted and replaced with the following:

"8.1 (a) Where the Council is satisfied that a podium with a zero setback from a side boundary would not adversely affect the amenity of an adjoining property or there is a prospect of

imminent redevelopment of the adjoining site, a zero setback from the side boundary is required unless the development satisfies Element 8 Guidance Statement (a); and

(b) where there is no prospect of imminent redevelopment of an adjoining site and the Council is of the opinion that a zero setback from a side boundary would adversely affect the amenity of the adjoining property, the Council shall specify:
(i) the portion of the building that is required to have a greater setback from the side boundary; and
(ii) the required greater setback for that portion of the building."

5. MANDATORY 1.5 MINIMUM NON-RESIDENTIAL PLOT RATIO

5(a) SUPPORTING submitters' comments on mandatory 1.5 non-residential plot ratio	(288 submitters)

- The South Perth Precinct Plan principles in Section 1.4 Precinct Vision included:
  - *A dynamic mix of office, retail and other non-residential land uses, providing an attractive employment centre that is supported by residential development and public transport.*
  - *A limited level of additional residential development to provide passive surveillance and to support the local services and street level activity.*
- The Precinct Plan included recommended development controls that allowed plot ratio to exceed 3.0, but limited residential plot ratio to 1.5. The purpose of this limitation was to prioritise employment in the vicinity of the proposed rail station. Instead, very tall and overwhelmingly residential buildings with a very low proportion of employment uses were supported by Council officers and approved by the Joint Development Assessment Panel, contrary to the Plan. The Precinct is, according to the Schedule 9 Guidance Statement, intended *"to consolidate its role as an employment destination"*. To avoid future approvals being given to undermine this objective and to reinvigorate this key principle, the new Amendment 46 proposes a mandatory 1.5 minimum residential plot ratio. The modification will assist in achieving a better transport balance with the future South Perth Station, if built, by becoming both an origin station as people leave for work, as well as a destination station as people come to work. We support the new Amendment 46 which is directly responsive to the community outrage over the unexpected tall developments which have been approved under Schedule 9 and in particular the inappropriate development approved in the Peninsula at 74 Mill Point Road.
- I agree with increasing the minimum non-residential plot ratio from 1.0 to 1.5 which I hope encourages "employment self-containment" being people who live and work in the area, as this will help to alleviate additional transport stress which is set to rise alarmingly in the years to come.
- Including a minimum non-residential plot ratio is consistent with the purpose and guidance statements. Thus, if you were not to clarify this minimum, other consequential amendments should be made - either way the outcome should be consistent with the stated objective of the Precinct.
- I heartily support this as residents should have the opportunity to live within walking distance to work opportunities as this leads to community spirit, good lifestyle choices, and importantly less road congestions.
- The mandatory 1.5 minimum non-residential plot ratio is important to prevent developers from just treating these developments as an opportunity to sell expensive

high rise apartment. The whole purpose of allowing additional height was not to create high rise residential blocks but rather to encourage South Perth as an employment destination. The Scheme was never presented to the community as a means of turning South Perth into a high rise apartment community. It has always been a village community. I am concerned that the amendment presupposes that it is inevitable that vertical residential development is a part of the Station Precinct Planning. I do not consider that this is an appropriate interpretation of Amendment 25. I think it is important that Amendment 46 confirms that Amendment 25 is to be construed in all respect consistently with the aim of the Precinct plan to encourage development of South Perth as an employment destination.

I also consider that it is important to redefine commercial developments so that it is not possible for developers to use the loophole of "serviced apartments" as a means of satisfying the requirements of "non-residential". The developers at 74 Mill Point Road have lodged a new application for a 44 storey building and have asserted that they meet the non-residential plot ratio requirements by making the building half residential and half serviced apartments. This is outrageous and shows a blatant disregard for the spirit of the station precinct plan for extra height to be used to encourage employment in South Perth. Serviced apartments do not contribute to this objective. There is always a risk that JDAP will nonetheless approve a hopelessly inappropriate development like this development and the residents will only be able to challenge it through expensive court proceedings. Accordingly, to close the potential loophole, it should be clear that serviced apartments do not of themselves satisfy the non-residential requirements for the purpose of meeting the plot ratio restrictions.

- The submitter does not object to this provided that the Council ensures that all applicable performance criteria are met.
- Although, I would also support further re-wording of the commercial/residential plot ratio in light of the blatant attempts to exploit a loophole in the "Commercial" status of the planning scheme provisions. To raise the commercial component of new buildings, developers are calling the apartments 'serviced apartments' or short stay which qualify as commercial space. Later these units will be able to be sold as normal apartments when council has no planning control over the development. As serviced apartments do not require as many car spaces and once sold as a permanent residence significant future parking problems will arise. The intent of the commercial/residential ratio in the original Town Plan Scheme was to encourage employment – serviced apartments will do no more than residential. In reality, there should be no difference between an apartment and a serviced apartment in terms of commercial or residential.

5(b) OPPOSING submitters' comments on mandatory 1.5 non-residential plot ratio	**(221 submitters)**

- The plot ratio of a minimum of 1.0 seems a reasonable compromise, however I do not agree restricting the plot ratio of either residential or commercial, as flexibility is the key to successful development.
- I object to the mandatory 1.5 minimum non-residential plot ratio because the market demand for residential and non-residential uses varies.
- Mandatory 1.5 non-residential plot ratio offers no flexibility for landowners / Council to adapt to market changes.
- Submitter wants a minimum non-residential plot ratio of 1.0.

- The currently flexible minimum non-residential plot ratio (between 1.5 and 1.0) is far better than the proposed mandatory 1.5 minimum. It allows projects to be more commercially viable, while also facilitating achievement of residential density targets and a more diverse mix of housing and commercial product within the precinct.
- No justification / substantiation for increased mandatory non-residential plot ratio - this will stifle development and encourage investment elsewhere with more flexible development requirements.
- I disagree because most people understand that more commercial content is a requirement in a future south Peth, and I feel that a minimum plot ratio of 1.0 is a fair figure throughout the SCA. This will allow a development to be determined by market forces and the City of South Perth planners and the city's visions. Flexibility is the key to a developers building the vision that the City requires.
- To create a workplace environment, each new development should include some commercial space. However to accommodate market cycles the plot ratio should be flexible with a minimum plot ratio of 1.0 for commercial use allowing this to increase up to 100% of building area in times of strong office/commercial demand. This would allow the possibility for a major office tenant to be locating to South Perth. An example of this was Alcoa's head office in Booragoon. This flexibility would allow a diverse range of building design and over time an acceptable balanced ratio of commercial and residential occupancy through the area.
- Increasing the mandatory minimum non-residential plot ratio to 1.5 makes it impossible to develop small lots due to inability to accommodate the required additional car bays. This is factual and can be verified by my architect. My plans for 7 Lyall Street illustrate the situation. The situation is even more impossible in those additional streets where a 4-metre front setback is now proposed.
- With regard to setting a minimum 1.5 plot ratio for commercial space, commercial should be concentrated more in the portion of the precinct south of Mill Point Road and including the area bordered by South Perth Esplanade, Mends Street and Harper Terrace. Discretion should be maintained to allow a lesser commercial plot ratio down to not less than 1.0.
- The proposed 1.5 minimum non-residential plot ratio seems to indicate that Council is oblivious to current reality in the Perth commercial market, particularly the outlook for the suburban office market. The supply of new offices into the market will peak at approximately 500,000 sq. m to 700,000 sq. m of vacant office space predicted in the next 2-3 years, equivalent to around 15 years supply in a normal market. That does not account for the fact that over the past 2 years the take-up of office space has contracted, not expanded. Further proof is provided by all the 'For Lease' signs on established offices in the area.
- Developments must be viable to attract a developer and any large scale proposal will require investment of millions of dollars with various consultants and a long lead time even prior to submitting for development approval. Subsequent to approval, for a project to be 'bankable' will usually require lending conditions such as 50% pre-sales prior to commencement – resulting in an all risk and expensive marketing campaign. The economy and basic principles of supply and demand will dictate how quickly the Scheme area is developed and which projects actually see building commencement. Development approval is no guarantee the project will happen. Developers have enough variables to contemplate without councils changing the ground rules at the behest of a vocal minority.

- For developers to provide an office component at minimum 1.5 plot ratio into a market already oversupplied with office space, planning incentives/compensation will be required in the form of profitable product which will sell, in this case high rise residential apartments with views.
- We contend, however, that the increase in the minimum plot ratio required for non-residential development will make mixed use development unfeasible which, in turn, will limit both population and employment potential. Given the proximity to the CBD and other employment locations such as West Perth, East Perth and Northbridge, we contend that the minimum plot ratio of 1.0 for non-residential development should not be changed. If market conditions dictate, the plot ratio for non-residential could be exceed in any event because the plot ratio requirement is expressed as a minimum.
- The need to encourage commercial development within the South Perth Station Precinct is acknowledged however the minimum commercial plot ratio is not approximately balance and is contrary to strategic planning and employment projections for the locality. With current high office vacancy rates projected to continue, it is considered a minimum non-residential plot ratio requirement of 1.5 could result in under-utilised floor space. This would have a negative impact on the future amenity of the precinct.
- I object to the mandatory 1.5 minimum non-residential plot ratio because the market demand for residential and non-residential uses varies over time. Currently, the oversupply of office space across Perth makes the mandatory provision of commercial office space a financially difficult decision. An Adaptable Use requirement may be another way to provide flexibility in uses.
- Mandatory 1.5 minimum non-residential plot ratio. The existing 1.0 plot ratio is quite adequate. Any change would inhibit proper and orderly development especially currently with 20% plus office vacancies in Perth CBD.
- This is not considered to be an appropriate modification, as the provision of a non-residential component of 1.5 dictates against site and context responsive development outcomes and a lesser plot ratio does not necessarily undermine the ability of a development to contribute to the consolidation of the Precinct as an employment destination. The site specifics of a particular development site and mandatory plot ratio requirement may also not be conducive to an appropriate built form outcome whereas the current provisions allow the determining body to make an informed decision that appropriately addresses Guidance Statement (a) and delivers a positive outcome that is in accordance with the objectives of the SCA1. For instance, the approved Civic Heart development provides over 8,000m2 of non-residential floor area (incorporating a diverse range of uses, including a full line supermarket) despite not achieving a non-residential plot ratio of 1.5.

5(c) COUNCIL'S response to submitters' comments on mandatory 1.5 non-residential plot ratio

This modification to Amendment No. 46 proposes to introduce a mandatory 1.5 minimum non-residential plot ratio in place of the originally advertised proposal (1.5 minimum preferred, but discretionary power to allow a reduction to not less than 1.0 where the related Guidance Statement is satisfied.)

Amendment No. 46 lists eight objectives for the precinct's development controls. Precinct Objectives (a) and (b) are to:

"(a) promote more intensive commercial land use to support the increased residential population, provide greater employment self-sufficiency in the City and patronage for a future 'destination' rail station; and

(b) create a precinct that offers commercial office space, cafés, restaurants, hotels and tourist accommodation."

To achieve these objectives, the originally advertised version of Amendment No. 46 included the following Development Requirement 3.5 and related Guidance Statement (a):

Development Requirement 3.5
On sites in the Special Design Area, where the total plot ratio of a Mixed Development is more than 3.0, the plot ratio of the non-residential component shall be not less than 1.5 unless the Council approves a lower non-residential plot ratio to a minimum of 1.0, where satisfied that the comprehensive new development satisfies Element 3 Guidance Statement (a).

Guidance Statement (a)
With the exception of the South Perth Esplanade and Stone-Melville Sub-Precincts, any comprehensive new development should make a significant contribution towards consolidation of the South Perth Station Precinct as an employment destination.

Under the original wording in Amendment No. 46, while a non-residential plot ratio of less than 1.5 could be approved where a proposed development will significantly increase employment in the precinct, there is still a mandatory minimum non-residential plot ratio of 1.0. However the modified version of Amendment No. 46 prevents the decision-maker from ever allowing a non-residential plot ratio of less than 1.5.

Most of the land comprising the South Perth Station Precinct is within the 'Scott-Richardson' and 'Mends' sub-precincts. Based on the original version of Amendment No. 46, every development in those sub-precincts would be required to include non-residential floor space representing a plot ratio in the range between 1.5 and 1.0. Collectively, these developments will consolidate the precinct as an employment destination, to an ever-increasing extent as successive developments proceed. Even based on the requirement in the original version of Amendment No. 46, many submitters are concerned about a significant over-supply of commercial floor space rendering development not commercially viable on sites which are not in the Special Design Area. This over-supply would be exacerbated by the proposed mandatory 1.5 non-residential plot ratio. Precinct Objectives (a) and (b) and Guidance Statement (a) referred to above will still be comfortably satisfied without increasing the non-residential plot ratio to a mandatory 1.5.

The modified Amendment No. 46 proposal for a mandatory 1.5 minimum non-residential plot ratio is not supported by any research evidence to justify such a significant modification.

Being mindful of the situation outlined above, the objectors' numerous grounds of objection are considered valid. Therefore the modified Amendment proposal to introduce a mandatory 1.5 minimum non-residential plot ratio should not be implemented.

The Supreme Court has reviewed a JDAP decision to approve a predominantly 'residential' development at No. 74 Mill Point Road. The Court overturned the JDAP decision because, under the operative Scheme provisions, that development was

required to be predominantly non-residential. Amendment No. 46 will deal with this issue. Under Amendment No. 46, developments in the precinct are allowed to be predominantly residential although they are still required to contain substantial non-residential floor space.

It is now proposed that the originally advertised proposal concerning land use mix be implemented, rather than the subsequent modification introducing a mandatory 1.5 minimum non-residential plot ratio. This will still allow the precinct to consolidate its role as an employment destination without exacerbating the existing over-supply of commercial floor space.

Having regard to all relevant considerations, the Council recommends that:

(a) the Supporting comments be NOT UPHELD; and
(b) the Opposing comments be UPHELD;
(c) the re-advertised provisions in the modified Amendment No. 46 relating to a mandatory 1.5 minimum non-residential plot ratio not be implemented;
(d) the Amendment No. 46 Development Requirements and Guidance Statement relating to non-residential plot ratio, as originally advertised, be retained, to achieve the following outcomes:
    (i) a non-residential component with a minimum plot ratio of 1.0 for every development within the Scott-Richardson and Mends Sub-Precincts; and
    (ii) in the Special Design Area, for any development with a total plot ratio of more than 3.0, a non-residential plot ratio of at least 1.5, but with discretionary power to allow a reduction to not less than 1.0 where the related Guidance Statement is satisfied.

6. MAXIMUM 10% VARIATION FROM MINIMUM LOT AREA AND FRONTAGE

6(a) SUPPORTING submitters' comments on maximum 10% variation from minimum lot area and frontage	**(283 submitters)**

- The current requirement is that a development site is to have a minimum area of 1,700m^2 and a minimum lot frontage of 25 metres unless otherwise approved by the Council as a minor variation. Good planning practice avoids very tall buildings on small and/or narrow sites because their impacts on neighbours cannot be adequately dealt with. Council officers have, nonetheless made recommendations to the Joint Development Assessment Panel (JDAP) for very tall buildings on sites that required a sizable variation – well beyond what any reasonable person would view as a minor variation. Yet JDAP has applied a definition of "minor" which defies community expectation. It is essential that more clarity is given to what is meant by "minor" to avoid the inevitable negative planning consequences of very tall buildings on inappropriately sized sites. The new Amendment 46 provisions have the effect of limiting discretion to no more than 10 per cent below 1,700^2 metres and a frontage of 22.5 metres. This is consistent with accepted national standards for a minor variation.
- If this amendment to the 'Development Requirements' under Element 6.1 (b) is acceptable, there needs to be a consequential change to the 'Guidance Statement' under Element 6 (c). It should now read:

  "For a site to be eligible for approval of a building height variation, a minimum lot area and frontage is prescribed. However, where under-sized lots cannot be amalgamated with adjoining lots in order to achieve the prescribed minimum lot area and frontage,

a 10% deficiency is allowed where the development application proposes up to a 10% increase in allowable building height or a 5% deficiency where the development application proposes up to a 15% increase in allowable building height. Any proposed increase of more than 15% in allowable building height will have to meet the prescribed minimum lot area and frontage."

- A blanket 10% variation might well be inappropriate if the overall scale and height are disproportionate to the variation. For example, it should not be permitted to get away with a 10% variation in order to gain an extra 15 storeys as the developers at 74 Mill Point Road are seeking to do in their new application. Further restrictions upon the discretion to permit variations of up to 10% should therefore be introduced.

6(b) OPPOSING submitters' comments on maximum 10% variation from minimum lot area and frontage	**(218 submitters)**

- Development Requirement 6.1(b): For a building height variation to be possible on a lot in the Special Design Area, the Council now proposes a minimum lot area at 1530 sq. m and minimum frontage of 22.5m. Why have these figures been selected? I can demonstrate a quality outcome on our site which has an area of 1330 sq.m and 20m frontage. Garaging becomes tight when the frontage is below 20m but that should be up to the developers' architect to resolve. I am against removing discretion with regard to land area and frontage. Many of the older buildings, land-locked between existing strata complexes will never be redeveloped, even though many are obsolete.
- I object to the arbitrarily determined 10% variation from minimum lot area as it limits design excellence. Who is to say that a talented designer could not produce a quality outcome on 11%? The City's discretion within a Town Planning Scheme allows for the negotiation of a preferred development.
- Imposing a specific percentage for maximum allowable lot area / frontage variations will not create desirable outcomes. Instead, there should be objective-focussed outcomes applied in a case-by-case manner.
- The maximum 10% variation on the minimum lot area and frontage requirement, without any ability for the decision-maker to exercise discretion, will further compromise the opportunity to promote more intensive development within the South Perth Station Precinct.
- I object to the arbitrarily determined 10% variation from minimum lot area as it provides unnecessary limits to design excellence. The City's allowable discretion within a Town Planning Scheme allows for the negotiation of a superior quality development.
- Maximum 10% variation from minimum lot area and frontage. Again not necessary if due quality control exercised.

6(c) COUNCIL'S response to submitters' comments on maximum 10% variation from minimum lot area and frontage

For a development site to be eligible for consideration of building height above the 'basic' height limit, the currently operative Scheme requires the site to have an area of not less than 1700 sq. metres and a frontage of not less than 25 metres unless otherwise approved by the Council as a 'minor' variation. In the originally advertised version of Amendment No. 46, the discretionary power to allow 'minor' variations in lot area and

frontage is further qualified to make it clear that an 'under-size' lot would only be eligible if it cannot be amalgamated with an adjoining lot i.e. it is 'land-locked'. However the term 'minor' remains subjective, giving rise to disputes between applicants and the decision-maker and potentially inconsistent decisions regarding the acceptable shortfall in lot area or frontage to be classified as a 'minor' variation. The modified version of Amendment No. 46 which was re-advertised, overcomes these problems by specifying a 10% maximum shortfall in site area and frontage where a site is land-locked.

Based on the proposed 10% limit on the allowable shortfall of site area and frontage, any site smaller than 1530 sq. metres or with a frontage of less than 22.5 metres will not qualify for a building height variation. The 'supporting' submitters favour this prescriptive limit in place of the use of the subjective term 'minor' variation. If the term 'minor' is retained, those submitters would be concerned about the potential for even smaller or narrower sites to support very tall buildings. They say it is common practice for the extent of permissible 'variations' to be in the order of 10%. The view has also been expressed that the extent of the allowable variation should be constrained even further as the extent of the 'height' variation increases. However such a further constraint is not considered to be warranted. It has not been open for community comment and would complicate the control mechanism if used in conjunction with the intended 'stepped' method of regulating the extent of building height variations linked to performance criteria.

The 'opposing' submitters contend that the imposition of a prescriptive maximum 10% shortfall in site area and frontage will not lead to better design outcomes and in this respect they favour the retention of discretionary power for the decision-maker. They say that many sites will not be eligible for building height variations under the current proposal. However, if a prospective developer's 'under-size' site is not eligible for a building height variation, it will still be possible to build to the 'basic' height limit of 25 metres or 41 metres, as applicable.

In this instance, the supporting submitters' arguments are considered more compelling. In the case of under-sized lots which cannot be amalgamated with an adjoining lot, specifying a finite limit on the allowable extent of shortfall in lot area and frontage will provide certainty for both applicants and the decision-maker.

Having regard to all relevant considerations, the Council recommends that:

(a) the Supporting comments be UPHELD
(b) the Opposing comments be NOT UPHELD; and
(c) the re-advertised provisions in the modified Amendment No. 46 relating to a maximum 10% variation from minimum lot area and frontage to be eligible for additional building height under Development Requirement 6.1(b) in Table A of Schedule 9A, be proceeded with.

7.	Submissions NOT RELATED to advertised significant modifications	

7(a)	Submitters' comments NOT RELATED to advertised significant modifications	(253 submitters)

- Perimeter properties (Melville Parade, Labouchere Road) should be restricted to lower height, allowing 'non-perimeter' properties to also have water or city views.
- Opposes 'Adaptable Housing' performance criterion.

- Incorporate suitable guidance statements in Table A to allow exercise of discretion in relation to all Development Requirements.
- For car parking calculations, gross floor area (GFA) must be replaced by net lettable area (NLA) to be an effective catalyst for transit-oriented developments. The Canning Bridge Structure Plan and many local councils use NLA for this purpose. UDIA considers NLA measurement to be fairer.
- In Table B, consolidate all performance criteria into one list irrespective of proposed building height.
- In Table B, Design Consideration 8, amend the vehicle parking requirement to include motor cycle parking as a proportion of car parking.
- Incorporating Government housing into a luxury development (Performance criterion 8(d)) is a socialist requirement. The Government / Council should satisfy its social conscience by spending some of the massive increase in rates / land taxes and buy or build their own housing.
- Opposes 'affordable housing' performance criterion. There are hundreds of strata titled affordable dwellings in South Perth.
- I am against the 'overshadowing' performance criterion. Overshadowing cannot be avoided and is not relevant to inner city high rise/density living. Under the current Scheme requiring setbacks above podium level, shadowing will only be about 20 minutes per day.
- Reduced parking requirement may cause tenants to relocate to properties with more car bays.
- Opposes performance criterion limiting car bays to 2 per dwelling – not in line with market demand for 'high end' apartments.
- Opposes 5-star Green Star performance criterion.
- In a town planning scheme, Council should not be specifically mandating a commercial initiative such as 'Greenstar' as the environmental rating tool. Further, UDIA does not support the 5-star 'Greenstar' requirement in Table B as it impacts feasibility through a flawed sustainability 'tick-the-box 'rating system.
- Opposes 'electric car charging' performance criterion.
- Opposes 'public access end-of-trip facilities' performance criterion.
- I would like to build a Medical Centre in the precinct, but one will never be built unless the current parking requirement is relaxed.
- Exempt Windsor Hotel site from Table A and B requirements and include a requirement for the preparation of a Local Development Plan for that site.
- Properties not in the Special Design Area should be allowed the same building criteria as allowed for properties in the Special Design Area.
- The submitter says that the Minister for Transport has stated that buses and ferries can provide for public transport needs of the area. The submitter is concerned that the new apartments will be bought by investors as rentals and those tenants will have little concern for the community of South Perth. The area is traditionally characterised by families and the apartments will change the traditional population structure of the area introducing singles and the elderly. Mill Point and Labouchere Roads will increase traffic due to the increase in population. Redevelopment of Richardson Park will rob

the area of valuable green space. Zero setbacks will rob Mill Point Road of leafy verge trees and impact on the ambience of the area. Renewing existing house stock will remove affordable housing in the area however there is an opportunity to provide affordable housing within the new high rise buildings.

- No more development please.
- The modifications to the amendment remains onerous; incorporating maximum height limits, plot ratio and car parking requirements which we are advised do not reflect market expectations and design criteria which have the potential to undermine the viability of a development. Amendment 46 impacts the development potential the site identified in the Special Control Area. The amendment is a significant deviation from the encouragement Amendment 25 provided the development industry, where the proposed requirements have the potential to reduce the appeal of investment within the South Perth Station Precinct. Modifications to Design Consideration 8 in Table B will undermine the success of Amendment 25 and seriously compromise the ongoing urban renewal of the Precinct.
- Exercise of Discretion – Table A: There are concerns that the Amendment 46, especially in its modified form, seeks to remove (or severely limit) the discretionary powers of the decision maker with respect to the number of provisions contained in Schedule 9A, and in some instances, it is unclear as to whether an exercise of discretion is permitted. We do not disagree with the general intent of SCA1, and generally support the provisions within Table A, we question an approach that removes the ability for decision makers to exercise discretion. Moreover, it is our view that such prescriptive, inflexible, development regulations will work against the intent of SCA1, which seeks to '*encourage future development in the area to focus on a more intensive and mixed use form*'. We believe that the approach proposed is restrictive and in those cases where the ability to exercise discretion is uncertain, is likely to lead to legal challenges. Furthermore such a restrictive approach does not provide any opportunity for a decision maker to approve a development which, although noncomplying, might achieve design excellence and be entirely acceptable design response to the characteristics of the site in question. It is important to build flexibility into the provisions of the TPS6 given the characteristics of the sites in the area. It is therefore recommended that a 'sliding scale' be introduced to Amendment 46, whereby the greater the lot area variations sought for a proposal, the greater the number of Table B Performance Criteria to be satisfied. Alternatively, the greater the lot area variations sought for a proposal, the potential height limit variation is proportionately reduced. Such an approach will afford the decision maker greater discretion while encouraging higher quality design and development industry with greater confidence.
- Exercise of Discretion, Building Height – Table B: There is no discretion available with respect to Design Considerations 1-7, inclusive. Considerations ought to have in-built flexibility, not only in their application, but the manner in which the design criteria are to be satisfied.
- Design Consideration 6 Car Parking: It is recommended that Design Consideration 6 car parking be amended to allow for up to two vehicle parking bays per two bedroom dwellings.
- Exercise of Discretion – Table B (Design Consideration 8): The approach of specifying mandatory criteria and the optional criteria, in respect to the proposed height variation is overly restrictive and lacks flexibility. The modifications seriously compromise the ongoing urban renewal of the precinct. The Design Consideration 8 should be modified to list all the criteria without reference to extent of the building

height variation. Applicants should be given the flexibility to satisfy a minimum of 3 criteria. This submission requests the following modifications to the advertised version of Amendment 46:

- Modify Table A to include suitable Guidance Statements to allow for an exercise of discretion in relation to all of the Development Requirements;
- Modify Table B by deleting the word "minor" in the Performance Criteria for Design Consideration 1;
- Modify Table B by stipulating a maximum parking requirement of not more than 2 bays per two bedroom dwelling in Performance Criteria (a) of Design Consideration 6.
- Modify Table B, Design Consideration 7, by:
  - deleting the reference to 6-Star Green Star;
  - removing the building height variation categories and listing all of the recommended criteria in one list; and
  - requiring a minimum of any three criteria to be satisfied

- I support medium to high level residential development in South Perth. I would also like the same along Melville Parade, Como.
- A 'form' letter relating to *"The Peninsula"* serviced apartments, No. 53 South Perth Esplanade submitted by approximately 235 guests, staff, shareholders, neighbours and business associates expresses opinions and suggestions in relation to the following:
  - River and city views should be enjoyed by more people, especially at riverfront properties. It would not make sense for any changes that would result in lesser river and city views.
  - Where the bulk is in the middle section (between front part of South Perth Esplanade and the taller back part of Mill Point Road, it would make sense to allow the middle section to have higher heights, in order to achieve a fairer allocation of views.
  - In the allocation of river and city views it would make sense if more allocation of views is made available to properties nearer the river.
  - For a fairer spread of opportunities in the creation of special design areas buildings, it would make sense that "The Peninsula" should have special design area opportunities similar to other properties behind it and other South Perth Esplanade properties nearby which have special design area opportunities.
- The modification to the Amendment has excluded a portion of a strata lot from the Special Design Area.
- Main Roads WA:
  Main Roads states (incorrectly) that Amendment No. 46 will allow substantially higher buildings than the earlier Amendment No. 25. They say the Council needs to undertake or commission a further extensive and robust traffic impact assessment for the whole area bounded by the river and Canning Highway. This will assist in determining the adequacy of the existing road reservations. The assessment must be based on the precinct being developed to its maximum potential taking into account building height variations.

  With regard to canopies over footpaths in street reserves, Main Roads recommends that a 2.5 metre clearance from the kerb face to any awning be required, to allow for roadside furniture such as light poles, traffic signals and signs.

It is of concern to Main Roads that, under Amendment No. 46, applicants are only required to undertake a traffic study where their proposed development involves a building height variation. The traffic study should involve the whole precinct bounded by the river and Canning Highway.

- Water Corporation:
  Existing infrastructure will need to be upgraded due to the increase in development density pressures. Further studies and work will be required by developers as part of the subdivision and development stages including any funding requirements. It would be more efficient for development if funding of upgrades to major works is included in a Developer Contribution Scheme.
- Department of Parks and Wildlife:
  The modification to the Amendment does not appear to address the previous raised issues (ie stormwater management, western foreshore, sea level rise, overshadowing and constructions issues). Future planning phases will need to address these issues and be referred to the Department of Parks and Wildlife for consideration.
- ATCO gas: No Objections.
- Department of Transport: No comments.

7(b) COUNCIL'S response to submitters' comments not related to advertised significant modifications

The submitters in this category have commented on matters which are not open for comment at this time because the matters of concern to them have not been advertised for the lodging of submissions. Their comments do not address any of the five significant modifications to Amendment No. 46 on which comments were invited. This being the case, even if the submitters' views were supported, at this time the submissions cannot be upheld.

The submissions not related to the re-advertised significant modifications contain a variety of comments on the following matters:

- Development potential for particular sites in the precinct.
- Comments on infrastructure services.
- Traffic issues.
- Limited extent of discretionary power.
- Various aspects of car parking.
- Request for extension of SDA.
- Modified design requirements in Tables A and B.
- Land uses.

Most of these (236 of the 246 submissions in this category) were lodged on behalf of the owner of one large South Perth Esplanade property occupied by serviced apartments, many being visiting guests primarily from Hong Kong, Singapore and Indonesia.

Amendment No. 46 is not the appropriate instrument for considering these 'unrelated' comments. However, after the Council has considered the report and recommendations of the planning consultants appointed to review all development controls within the South Perth Station Precinct, the various issues raised should be examined when the Council is dealing with the subsequent Scheme Amendment for the precinct.

Traffic issues

Main Roads WA has lodged another submission about 'traffic' issues. Their submission is essentially the same as the previous one, lodged during the 'first-round' advertising process. Main Roads' further comments are motivated by their continuing misunderstanding of the operative effect of Amendment No. 46. They believe, incorrectly, that Amendment No. 46 will allow higher and larger buildings than are currently able to be approved. That is not the case. The 'height' thresholds linked to the revised Table B impose increasingly demanding performance criteria according to the extent of an applicant's proposed variation from the basic building height limit. Those 'height' thresholds are not allowing higher buildings, but are imposing more stringent performance requirements. The correct understanding of the effect of Amendment No. 46 is critically important to the manner in which Main Roads' recommendations should be considered. If the proposed modifications to Amendment No. 46 result in any reduction in allowable building height, this will have a beneficial effect in relation to increases in vehicular traffic. Under no circumstances will Amendment No. 46 have any adverse impact on traffic.

Amendment No. 46 has no bearing on decisions as to whether or not the recommended road improvements should be implemented.

A number of other submitters have expressed concern about increased vehicular traffic generated by future development. Some of those submitters have commented on how traffic problems might be alleviated.

The City's Manager, Engineering Infrastructure has provided the following comments in response to submitters' 'traffic-related' comments:

- Manager, Engineering Infrastructure response to Main Roads' submission:
  The GHD *"City of South Perth - Report for South Perth Station Precinct Transport and Access Strategy (May 2012)"* identified certain works that would be needed to better manage traffic in the Precinct if development proceeded as anticipated. Those works included signal installations along Labouchere Road and modifications to existing signals. In one form or other, these proposed works have been addressed by Main Roads. The expectation had always been that a more robust traffic model would be required for the phasing of signals and for the new installations. The development of that model has commenced and will be progressed over the next 6 months. The City sees the priority within the Station Precinct as being to facilitate ease of movement for motorists terminating or originating their journey here, rather than those simply 'passing through' to go somewhere else.

  Peak hour road capacity is constrained by the road reservations that exist, as acquisition of land has never been contemplated by any previous study. Purchasing land in an inner city area for roundabout construction is nonsensical when traffic signals would provide an adequate solution. Traffic signals have been installed elsewhere in the metropolitan area without the acquisition of land or any substantial civil works and all have proven to be very effective. Where it is possible to improve road capacity by removing street parking and/or modifying certain intersections, the necessary actions to effect these changes will occur over the next two years to 2018.

  Main Roads has addressed a valid point in relation to canopies. While it is difficult to foresee what additional directional signage will be required within the Precinct or the extent of street lighting improvements needed as the area transforms to a more

pedestrian-friendly environment, the opportunity must be there to effect those changes without being constrained by projections into the road reserve.

- Manager, Engineering Infrastructure response to other submissions:
  - I have been requested to respond to the "parking" concerns (as outlined below) that you raised in your submission on the proposed modification to Amendment 46:

    "I also think that parking is something the council continues to fail to address. Many of the new developments provide insufficient internal parking for their tenants, much less their visitors, which puts a further burden on the streets and makes things less safe for everyone. I have personally watched attempted theft several times on Hardy Street as people drift down the street looking at parked cars. On-street parking for locals and residents should be free and developments should be mandated to provide more than ample parking within their own lots. Additionally, parking should be well off-set and covered so it doesn't look like an industrial area."

    I do not agree with this conclusion because every development approved in the South Perth Station Precinct provides on-site parking space in compliance with the parking ratios prescribed in the No. 6 Town Planning Scheme and every parking survey we have conducted for the South Perth Station Precinct (including the most recent, made available as part of the Community Workshops for the development of a city-wide Parking Strategy) all show a surplus of public parking. The issue identified by the surveys was not only the excess number of bays but also the unequal usage of certain bays particularly as impacted by long-term and/or commuter parkers, eg. the Richardson Street parking area is very rarely used but verge parking along Melville Parade is abused. The survey for the 'whole of precinct' identifies less than 60% utilisation for the peak hours. The off-road verge parking has never been included as available bays, and requiring vehicles now using the verge area to use street parking, while increasing occupancy levels, will not have the impact that would trigger a significant change i.e. 85% occupancy is considered the "trigger point" for change. The City has consistently followed the approach that affords residents and short-term parkers priority over long-term and commuter parking through both timed restrictions and/or pricing controls in those areas away from the immediate commercial centre. In the local governments where residential parking permits are used and at least two vehicles are registered to an address, the property would be eligible for two permits per dwelling, but this number would be reduced by every off-street parking bay available to them. Under the typical scenario used it is highly likely that no property would be eligible, because all have off-street access to available bays.

  - A number of suggestions have been put forward for resolving the perceived traffic problems within the Station Precinct. Most of the suggestions are beyond the City's control. Suggestions such as an additional on-ramp at Mill Point Road and at South Terrace would not be countenanced by Main Roads and would tend to contradict the 'ramping' concept under consideration for a number of the on-ramps along the Freeway. It is true that Mill Point Road and Labouchere Road are used as the route of choice to pass through the City to go elsewhere rather than use the regional road network. While Riverside Drive was severed with the works for Elizabeth Quay, that route through the Perth CBD was never lost, it simply became more circuitous (Barrack Street, the Esplanade and William Street) and increased the journey time for all those simply passing through Perth city to go elsewhere. The bulk of the 'through' traffic was diverted to the upgraded road tunnel with very little diversion to Mill Point Road. Traffic on Riverside Drive that was either terminating in, or

commencing a journey from the CBD (and representing the greater percentage of traffic) continued without change.

Traffic Consultants such as ShawMac and Transcore have each completed a Transport Assessment on the current Mill Point Road / on-ramp intersection and have concluded that, during the peak hour, the intersection is operating at a Level of Service 'D' where queue lengths are minimal and delays within acceptable limits. Traffic congestion at the Mill Point Road intersection is relative, depending on the specific circumstances e.g. a commuter from the northern suburbs to the CBD with a travel time of 20 minutes outside the peak hour and a 50 minute commute during the weekday peak hour, may not think that missing a phase cycle at a signalised intersection is a big issue. Clearly there are times when the intersection fails to function as efficiently as at other times. Invariably these times can all be attributed to incidents that have occurred downstream of the intersection.

The intent of the improvements proposed by GHD in the 2012 Report is to undertake works at selected intersections that will better manage traffic movement within the Station Precinct for the advantage of those terminating or originating their journey within the precinct rather than those simply passing through to go somewhere else. The implementation date for the intersection works will be within the financial year 2017/18.

- There is no denying that the traffic on Mill Point Road north of the signalised intersection for the Freeway on/off ramp will increase. The average daily traffic in the street is some 5,800 vehicles with 66% of the traffic south bound. Developments under consideration have the potential to increase the daily traffic by about 4,400 vehicles or 80%. Currently, the north leg of the signalised intersection operates at a Level of Service 'D' with minimal queuing at the peak hour (see Transport Assessments from ShawMac and Transcore respectively).

  No modelling has been done on the impact the combined developments will have on the level of service at the intersection or the potential queue lengths at the peak hour. Again it cannot be denied that the queue lengths and journey times from the Precinct will increase. The increase however will be nothing like the increases in journey times that occur today through the ever-sprawling outer suburbs. The intent of infill development is to slow down the rate of urban sprawl and utilise more efficiently the urban infrastructure that is available.

  As advised in response to other submissions, the intersection improvements recommended in the 2012 GHD Report will be implemented within the 2017/18 financial year.

  Much is made of the distributor road network and the ideal traffic movements that would go with the respective category. Fundamentally, before being assigned the 'local distributor' classification, each street was representative of the local street i.e. characterised as having residential access generally on both sides. South Terrace and Labouchere Road are similar in pavement width to Mill Point Road north, but carry considerably more traffic each day.

Having regard to all relevant considerations, the Council recommends that:

(a) the submissions not related to the advertised significant modifications be NOT UPHELD;
(b) Development Requirement 10.1 in Table A of Schedule 9A be amended to read as follows:

"10.1 Where a building abuts the street boundary, a cantilevered canopy shall be provided over the street footpath. The projection depth of the canopy shall be 2.5 metres subject to a clearance of not less than 2.5 metres being provided from the face of the road kerb to the canopy.";

and modifying the related Guidance Statement accordingly; and

(c) after the Council has considered the recommendations of the consultant appointed to review all development controls for the South Perth Station Precinct, the issues raised in this group of submissions be examined further, when dealing with the subsequent Scheme Amendment.

8. Additional minor text improvements to Schedule 9A

(a) Clarification of wording - Objective (g) of Schedule 9A

In draft Amendment No. 46, Provision 1 in Schedule 9A contains the objectives for the precinct. Objective (g) relates to the intention to allow additional building height *"on the most prominent streets within the precinct"* in return to meeting specified Performance Criteria. A submitter has pointed out that the reference to 'the most prominent streets' can lead to confusion or argument.

The submitter's concern is considered valid. To deal with the uncertainty, the wording of Objective (g) needs to be amended to specifically refer to the Special Design Area.

The Council recommends that:

(a) the submission relating to Precinct Objective (g) be UPHELD;
(b) Objective (g) within Provision 1 in Schedule 9A be amended to read as follows:

"(g) permit additional building height **within the Special Design Area** in return for meeting certain performance criteria relating to exceptional quality architecture, sustainable design, and additional community benefits".

(b) Vehicle sight lines adjacent to driveways and street corners

Element 11 of Table A within Schedule 9A relates to vehicle crossovers. Development Requirement 11.3 requires sight lines to be maintained at vehicle access points and street corners. In this respect, DR 11.3 states that the provisions of the R-Codes apply where the proposed development includes residential dwellings. Through experience in processing development applications in the precinct, City officers now recognise that the requirement should have been framed so as to apply to any new development whether residential or non-residential.

The Council recommends that Development Requirement 11.3 of Table A within Schedule 9A be amended to read as follows:

"11.3 For both the residential and non-residential components of a building, the provisions of the Codes relating to sight lines at vehicle access points and street corners in activity centres shall apply."

(c) Correction of provisions relating to method of measuring building height

The current Scheme clause 6.1A 'Building Height Limits and Method of Measuring Building Height' applies throughout the City. That clause contains detailed requirements relating to the method of measuring building height in a variety of circumstances. Those detailed

provisions should not apply where a building is allowed to be higher than the nominated height limit. To achieve this, the following minor corrections are necessary.

The Council recommends that clause 6.1A(10)(b) be amended as follows:

(a) the preamble to paragraph (b)(ii) be deleted and the following be inserted in its place:

"(ii) subject to (iii), on land which is not in the Special Design Area, where the assigned Building Height Limit is 25.0 metres: " ;

and

(b) paragraph (b) is amended by the addition of the following new part (iii):

"(iii) for any comprehensive new development in the Special Design Area, where a proposed building is higher than the Building Height Limit shown on Plan 3 'Building Heights' in Schedule 9A, the provisions of sub-clauses 6.1A (2), (3), (4), (5), (6), (7), (8) and (9) of the Scheme do not apply.".

CONCLUSION

The 882 submissions on the significant modifications show the depth of community interest in the future form of development in the South Perth Station Precinct, particularly when compared with the 41 submissions lodges in response to the 'first-round' advertising. A large number of these submissions (246) are not related to the significant modifications on which comments were invited. The issues raised by the submitters in this category cannot be addressed as part of Amendment No. 46 although some of these may be reconsidered when the intended further Scheme Amendment is being prepared.

As discussed in this report, there are two strong and diametrically opposed streams of community opinion on the significant modifications. The recommendations have taken full account of all submitters' views. Some of the advertised significant modifications are still recommended to be implemented, while others are not. Certain new provisions are now recommended as well.

One of the most contentious of the proposed modifications is the reduction in the extent of the Special Design Area to the north of Judd Street. For the reasons cited by many of the 'supporting' submitters, it is recommended that this particular modification now be implemented to a very large extent. The effect of the recommended modification is that all identified properties north of Judd Street will be deleted from the Special Design Area other than those at Nos. 89 Mill Point Road and 20 Stone Street. There are valid reasons for retaining these two properties in the Special Design Area, as explained earlier in this report.

The other extremely contentious proposed modification is the introduction of absolute height limits in the Special Design Area. While both the 'supporting' and 'opposing' submitters have presented valid arguments in support of their respective opinions, in the absence of any analytical reports or studies providing 'planning' justification for the particular height limits on which comments were sought, the 'opposing' submitters' arguments are considered to carry more weight. It is now accepted that Amendment No. 46 is not the appropriate instrument for introducing such a radical change and therefore it is now recommended that at this point in time, absolute height limits not be introduced for the Special Design Area. With the benefit of the findings from investigations recently undertaken by the Council's appointed planning consultants, the issue of building

height limits will be considered again when the Council is dealing with the intended further Scheme Amendment following finalisation of Amendment No. 46.

While at the present time not recommending the introduction of absolute height limits in the Special Design Area, the Council is recommending a more demanding requirement regarding eligibility for a building height above 40 metres (where the 'basic' height limit is 25 metres) or 60 metres (where the 'basic' height limit is 41 metres). This is in line with another view expressed by many of the 'supporting' submitters. To be eligible for a building height above 40 metres or 60 metres, as applicable to the site in question, the proposed modification on which 'second-round' submissions were invited required a development proposal to demonstrate that it meets 9 of the11 Table B performance criteria applicable to Design Consideration 8. It is now recommended that, to be eligible for a building height above the nominated limits, a development proposal must meet all of the11 Table B performance criteria applicable to Design Consideration 8 in addition to all performance criteria relating to Design Considerations 1 to 7. This will result in applicants proposing buildings not exceeding a height of 40 metres or 60 metres, as applicable, if they are not prepared to meet all of the Design Consideration 8 performance criteria.

With regard to setbacks from street boundaries in Bowman, Charles and Hardy Streets, rather than introducing a blanket 4-metre setback in place of the existing 'zero' setback, the recommendation is that new provisions be implemented which will much more sensitively ensure that the amenity of adjoining properties is protected, while also maintaining the viability of redevelopment for the affected properties.

In relation to land use mix (residential vs non-residential), it is no longer recommended that a mandatory, non-discretionary 1.5 minimum non-residential plot ratio be introduced, as this could result in an excessive amount of non-residential floor area, beyond the amount necessary for the intended increase in employment in the precinct. The resulting total floor area in the precinct could also exceed market demand. The originally advertised modification (1.5 minimum plot ratio preferred, but discretionary power to allow a reduction to not less than 1.0 where the related Guidance Statement is satisfied) is more suitable and is now recommended for implementation.

The last of the advertised significant modifications relates to the required minimum lot area and frontage for a site in the Special Design Area to be eligible for a building height variation. Where a 'land-locked' site has a lesser area or frontage than the prescribed minimum, it will still be eligible for a building height variation provided that the shortfall is no more than 10%. Under the current Scheme, the extent of the allowable shortfall is not quantified. It is now recommended that this modification be implemented to offer certainty for applicants and the decision-maker.

In addition to various substantive changes recommended throughout this Report, minor modifications in the form of improvements to wording, clarification of meaning, corrections of inconsistencies between Scheme clauses, and the like, are recommended in the following parts of the Scheme:

- Clause 4.3 (1)(c) – relating to street setback variations for balconies: exclusion of sites in South Perth Station Precinct from the scope of that clause, due to special provisions for that precinct in Table A.
- Provision 3 (1), (2), (3), (4), and (5)(a)(i) of Schedule 9A – minor word corrections.

- Provision 4 of Schedule 9A – minor modified wording of the definitions of 'discretionary land use', and 'preferred land use'.
- Table A of Schedule 9A –
  - Minor improvement to title;
  - Element 1 – minor wording improvements to Development Requirement 1.5 and Guidance Statements (a) and (b) in addition to more significant modifications discussed throughout the Report on Submissions;
  - Element 1 – insertion of additional 'discretionary' land uses – 'Child Day Care Centre' and 'community exhibition gallery' for Mends and Scott-Richardson sub-precinct, with related Guidance Statement;
  - Element 2 – minor wording improvements to Design Requirement 2.5 for consistency of terminology;
  - Element 3 – minor wording improvements to Design Requirements 3.1, 3.2, 3.5, 3.7 and 3.8 and Guidance Statement (b), for consistency of terminology;
  - Element 4 – minor wording improvements to Design Requirement 4.3 for consistency of terminology;
  - Element 5 – minor wording improvements to Design Requirement 5.1 and related Guidance Statement (a) for consistency of terminology;
  - Element 6 – minor wording improvements to Guidance Statements (a) and (b) for consistency of terminology;
  - Element 7 – minor wording improvements to Design Requirements 7.2, 7.3, 7.4.1, 7.5.1 and 7.5.2 and related Guidance Statements, for consistency of terminology;
  - Element 8 – minor wording improvements to Design Requirement 8.1, 8.2, 8.3 and 8.4 and related Guidance Statements for consistency of terminology;
  - Element 9 – minor wording improvements to Design Requirements 9.2 and 9.5(b)(i) and Guidance Statements for consistency of terminology;
  - Element 11 – minor wording improvements to Design Requirement 11.3, for consistency of terminology;
  - Element 12 – minor wording improvements to Design Requirement 12.1, 12.2 and 12.3, for consistency of terminology;
  - Element 13 – minor wording improvements to Design Requirement 13.1, 13.2 and 13.3 and Guidance Statements (b) and (c), for consistency of terminology;
  - Element 14 – minor wording improvements to Design Consideration 14.2 and 14.6, and Guidance Statement (b), for consistency of terminology; and
  - Element 15 – minor wording improvements to Development Requirement 15.1 and Guidance Statement (a), for consistency of terminology.
- Table B of Schedule 9A –
  - Performance Criterion for Design Consideration 4 - minor wording improvements.

DETERMINATION OF SUBMISSIONS

Having regard to the preceding comments, Council recommends that:

(i) in respect of the proposed significant modification relating to the reduction in the geographic extent of the Special Design Area –
  (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be UPHELD to the extent that they support this modification; and
  (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be NOT UPHELD to the extent that they oppose this modification;

(ii) in respect of the proposed significant modification relating to the introduction of absolute height limits within the Special Design Area –
  (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be UPHELD to the extent that they support this modification; and
  (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be NOT UPHELD to the extent that they oppose this modification;

(iii) in respect of the proposed significant modification relating to the introduction of a 4.0 metre street setback in Bowman, Charles and Hardy Streets –
  (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be NOT UPHELD to the extent that they support this modification; and
  (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be PARTIALLY UPHELD to the extent that they oppose this modification;

(iv) in respect of the proposed significant modification relating to the introduction of a 4.0 metre street setback in the northerly portion of Mill Point Road –
  (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be UPHELD to the extent that they support this modification; and
  (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be NOT UPHELD to the extent that they oppose this modification;

(v) in respect of the proposed significant modification relating to the introduction of a mandatory 1.5 minimum non-residential plot ratio –
  (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be NOT UPHELD to the extent that they support this modification; and
  (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be UPHELD to the extent that they oppose this modification;

(vi) in the Special Design Area, in respect of the proposed significant modification relating to the introduction of a maximum 10% variation from minimum lot area and frontage for a site to be eligible for consideration of an increase in building height above the limit shown on Plan 3 'Building Heights' of Schedule 9A –
  (A) Submissions 1.1 to 1.368 and 3.1 to 3.6 be UPHELD to the extent that they support this modification; and
  (B) Submissions 2.1 to 2.262 and 3.1 to 3.6 be NOT UPHELD to the extent that they oppose this modification;

(vii) in respect of comments relating to matters not related to the advertised significant modifications, Submissions 4.1 to 4.246 be NOT UPHELD.

CONCLUDING ACTION

The following recommendation on Amendment No. 46 relates to:

- modifications recommended after considering 'second-round' submissions received during the period between 3 November 2015 and 5 February 2016; and also
- modifications recommended after considering 'first-round' submissions received during the period between 27 January and 13 March 2015.

Reference to specific provision numbers are derived from the version of Amendment No. 46 endorsed on 27 October 2015 for re-advertising.

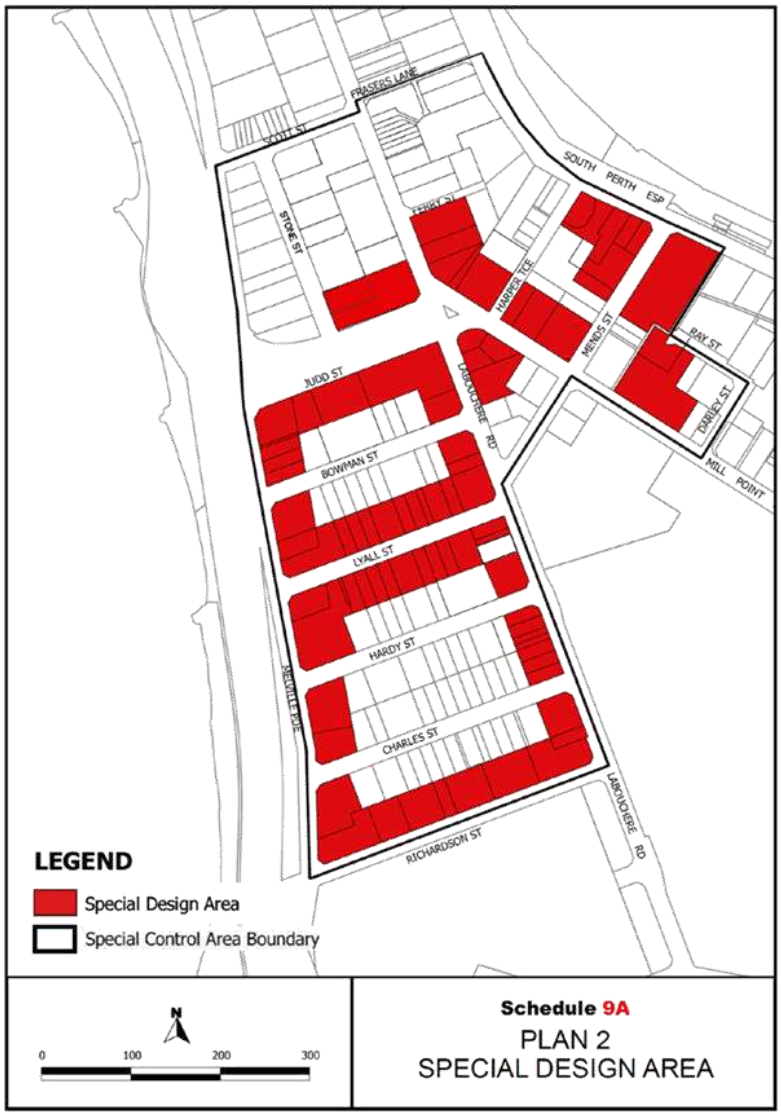
IT IS RECOMMENDED that:

Amendment No. 46 to the City of South Perth Town Planning Scheme No. 6, as endorsed on 27 October 2015 for re-advertising, be **modified** by:

1. Modifications following re-advertising from 3 November 2015 to 5 February 2016 –

Reduction of Special Design Area

(a) amending Plan 2 'Special Design Area' in Schedule 9A by deleting the following land from the Special Design Area:
   (i) eastern side of Mill Point Road – all lots between Ferry Street and Frasers Lane; and
   (ii) western side of Mill Point Road – all lots between the northernmost boundary of Lot 6 (No. 89) Mill Point Road and Scott Street;
   as shown on the following Plan:



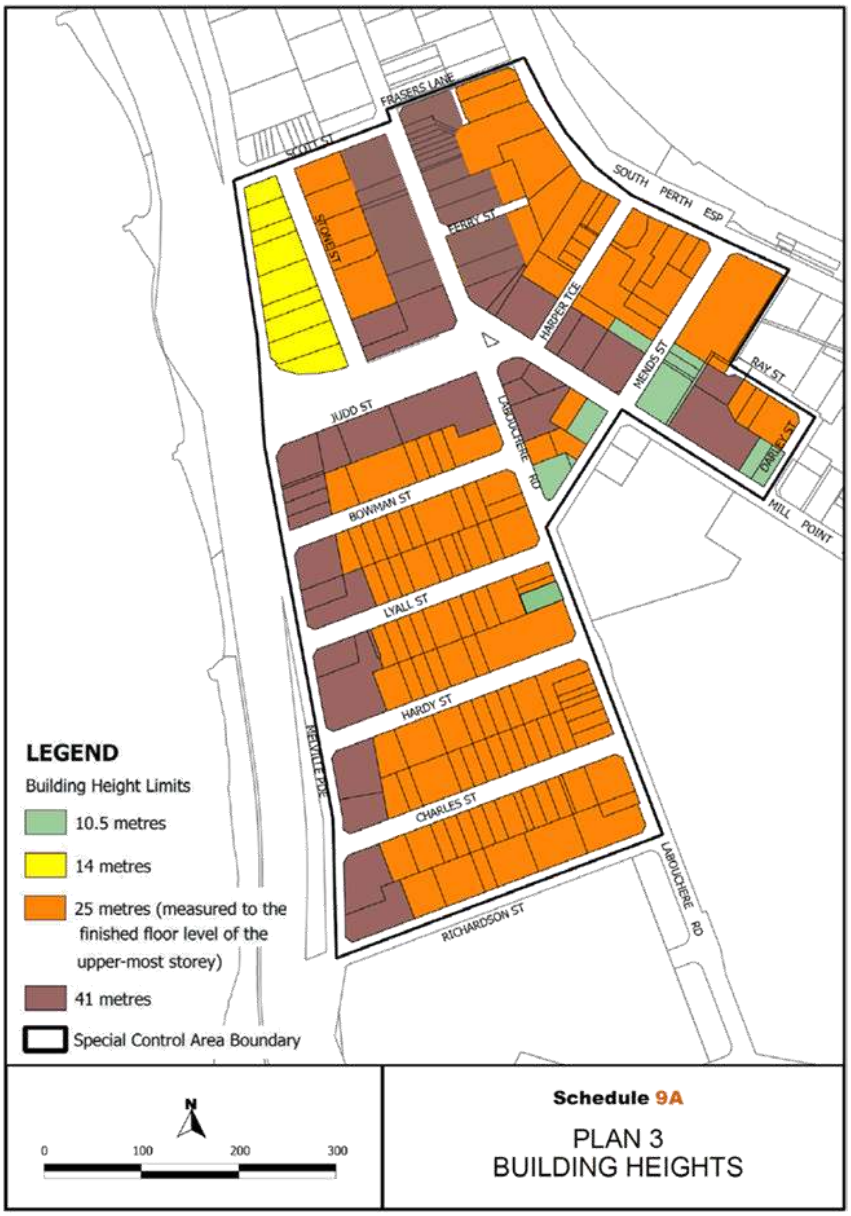
and

(b) amending Plan 3 'Building Heights' in Schedule 9A by deleting the 25 metre Building Height Limit and assigning a 41 metre Building Height Limit, to the following land:

(i) eastern side of Mill Point Road – all lots between the northern boundary of Lot 16 (No. 90) Mill Point Road and Frasers Lane; and

(ii) western side of Mill Point Road – all lots between the northern boundary of Lot 6 (No. 89) Mill Point Road and Scott Street;

as shown on the following Plan:



Creation of absolute height limits in Special Design Area

(c) deleting Development Requirement 6.2 of Element 6 'Special Design Area' in Table A of Schedule 9A and inserting of the following in its place:

"6.2 On land in the Special Design Area, where comprehensive new development has a plot ratio of more than 3.0 and satisfies:

(a) Development Requirement 6.1(a) or 6.1(b); and

(b) all Performance Criteria in Table B for Design Considerations 1 to 7 inclusive;

the Council may approve a variation above the height limit applicable to the development site as shown on Plan 3. In such a case, the maximum permissible building height is determined by satisfaction of the minimum number of Table B Performance Criteria for Design Consideration 8 specified below:

(i) Where Plan 3 shows a Building Height Limit of 25 metres –
(A) 5 Performance Criteria : 35 metres; or
(B) 7 Performance Criteria : 40 metres; or
(C) all Performance Criteria : No height limit.

(ii) Where Plan 3 shows a Building Height Limit of 41 metres –
(A) 5 Performance Criteria : 50 metres; or
(B) 7 Performance Criteria : 60 metres; or
(C) all Performance Criteria : No height limit."

(d) in Design Consideration 8 'Benefits for Occupiers and Local and Wider Communities' in Table B of Schedule 9A, deleting Performance Criterion (i) and inserting the following new criterion in its place, under the sub-heading "Wider Community Benefits":

"(i) A commercial use with wider community benefits such as Child Day Care Centre, after school care centre, Consulting Rooms, Educational Establishment, or other use having wider community benefits."

Increased street setbacks for certain streets

(e) amending Element 7 'Relationship to the Street' in Table A of Schedule 9A as follows:

(i) in the modified and re-advertised Development Requirement 7.3, deleting the following paragraphs, and re-numbering the remaining paragraphs accordingly:

"(a) Bowman Street, except those lots in the Special Design Area;"
"(b) Charles Street, except those lots in the Special Design Area;"

and

"(f) Hardy Street, except those lots in the Special Design Area;" ;

and

(ii) in Development Requirement 7.5 'Scott-Richardson and Mends Sub-Precincts' deleting paragraph (a) of Development Requirement 7.5.1 and inserting of the following in its place:

"(a) (i) Where the Council is satisfied that a podium with a zero street setback would not adversely affect the amenity of an adjoining property or there is a prospect of imminent redevelopment of the adjoining site, a zero setback is required for at least 60% of the frontage of the development site unless the development satisfies Element 7 Guidance Statement (a); and

(ii) where there is no prospect of imminent redevelopment of an adjoining site and the Council is of the opinion that a podium with a zero street setback would adversely affect the amenity of the adjoining property, the Council shall specify:
(A) the maximum percentage of the lot frontage that may have a zero street setback;
(B) the positioning of the portion of the building with a zero setback; and
(C) the required greater setback for the balance of the building."

(f) in Element 8 'Side and Rear Setbacks' in Table A of Schedule 9A, deleting Development Requirement 8.1 and replacing it with the following:

"8.1 (a) Where the Council is satisfied that a podium with a zero setback from a side boundary would not adversely affect the amenity of an adjoining property or there is a prospect of imminent redevelopment of the adjoining site, a zero setback from the side boundary is required unless the development satisfies Element 8 Guidance Statement (a); and

(b) where there is no prospect of imminent redevelopment of an adjoining site and the Council is of the opinion that a zero setback from a side boundary would adversely affect the amenity of the adjoining property, the Council shall specify:
(i) the portion of the building that is required to have a greater setback from the side boundary; and
(ii) the required greater setback for that portion of the building."

Mandatory 1.5 minimum non-residential plot ratio

(g) deleting Element 3 'Plot Ratio and Land Use Proportions' in Table A of Schedule 9A, and replacing it with the following:

Element 3: Plot Ratio and Land Use Proportions	
Development Requirements	**Guidance Statements**
3.1 There is no maximum plot ratio for any comprehensive new development within Special Control Area 1 – South Perth Station Precinct. 3.2 Within the Scott-Richardson Sub-Precinct and the Mends Sub-Precinct, all comprehensive new development shall have a non-residential component with a minimum plot ratio of 1.0. 3.3 In the Scott-Richardson Sub-Precinct and the Mends Sub-Precinct, where the total plot ratio of a Mixed Development is 3.0 or less, the plot ratio of the residential component shall not exceed 1.5. 3.4 In the Scott-Richardson Sub-Precinct and the Mends Sub-Precinct, on sites which are not in the Special Design Area, where the total plot ratio of a Mixed Development is more than 3.0, there is no maximum plot ratio for the residential component.	(a) In the Scott-Richardson and Mends Sub-Precincts, any comprehensive new development should make a significant contribution towards consolidation of the South Perth Station Precinct as an employment destination. (b) To meet potential occupiers' diverse needs, all comprehensive new developments that include a residential component should provide a diversity of dwelling sizes and number of bedrooms, including Single Bedroom Dwellings. (c) For residential dwellings, store-rooms, rubbish collection and clothes drying areas should be provided.

Development Requirements	Guidance Statements
3.5 On sites in the Special Design Area, where the total plot ratio of a Mixed Development is more than 3.0, the plot ratio of the non-residential component shall be not less than 1.5 unless the Council approves a lower non-residential plot ratio to a minimum of 1.0, where satisfied that the development meets the intent of Guidance Statement (a).	
3.6 The provisions of the Codes relating to dwelling size in activity centres shall apply.	
3.7 For comprehensive new development that includes residential dwellings, the provisions of the Codes relating to 'Utilities and Facilities' in activity centres shall apply.	
3.8 South Perth Esplanade and Stone-Melville Sub-Precincts Development Requirements 3.2, 3.3 and 3.4 do not apply to the South Perth Esplanade Sub-Precinct and the Stone-Melville Sub-Precinct.	

Modifications not related to re-advertised significant modifications

(h) amending Development Requirement 10.1 in Table A of Schedule 9A to read as follows:

"10.1 Where a building abuts the street boundary, a cantilevered canopy shall be provided over the street footpath. The projection depth of the canopy shall be 2.5 metres subject to a clearance distance of not less than 2.5 metres being provided from the face of the road kerb to the canopy." ;

and the Guidance Statement (a) being amended to read as follows:

"(a) Where a building abuts the street boundary, a canopy should be provided that extends a sufficient distance over the footpath to provide a reasonable degree of shade and shelter to pedestrians, while maintaining a safe clearance from the road carriageway and infrastructure in the verge."

(i) amending Objective (g) within Provision 1 in Schedule 9A to read as follows:

"(g) permit additional building height within the Special Design Area in return for meeting certain performance criteria relating to exceptional quality architecture, sustainable design, and additional community benefits".

(j) amending Development Requirement 11.3 of Element 11 'Vehicle Crossovers' in Table A within Schedule 9A read as follows:

"11.3 For both the residential and non-residential components of a building, the provisions of the Codes relating to sight lines at vehicle access points and street corners in activity centres shall apply."

(k) amending clause 6.1A(10)(b) as follows:

(i) the preamble to paragraph (b)(ii) be deleted and the following be inserted in its place:

"(ii) subject to (iii), on land which is not in the Special Design Area, where the assigned Building Height Limit is 25.0 metres: " ;

and

(ii) paragraph (b) is amended by the addition of the following new part (iii):

"(iii) for any comprehensive new development in the Special Design Area, where a proposed building is higher than the Building Height Limit shown on Plan 3 'Building Heights' in Schedule 9A, the provisions of sub-clauses 6.1A (2), (3), (4), (5), (6), (7), (8) and (9) of the Scheme do not apply.".

2. Modifications following 'original' advertising from 27 January to 13 March 2015 –

(a) amending clause 4.3 (1)(c) by deleting the first word, 'The', and replacing it with the following words:

"Other than in Special Control Area 1 'South Perth Station Precinct', the" ;

(b) amending the advertised Provision 4 'Definitions' in Schedule 9A, by inserting the following new definition of 'significant views', in alphabetical sequence:

" **'significant view'** means a panorama or a narrower vista seen from a given vantage point, not obtainable from the majority of residential properties within the City. Examples of a 'significant view' include views of the Perth City skyline, the Swan River, suburban townscape, parkland or treescape." ;

(c) in Table A of Schedule 9A –

(i) inserting additional land uses 'Child Day Care Centre' and 'community exhibition gallery', in Element 1 'Land Uses – Preferred and Discretionary' and Element 2 'Ground Floor Land Uses – Preferred and Discretionary', as discretionary uses in the Mends and Scott Richardson Sub-Precincts, with the following comment as part of Guidance Statement (b):

"Inclusion of child care facilities and community art or exhibition galleries within some developments would be beneficial for both residents and employees." ;

(ii) deleting Element 6 'Special Design Area' and replacing it with the following:

Element 6: Special Design Area	
Development Requirements	**Guidance Statements**
6.1 *(No change from recommended 'first-round' modification).* 6.2 *(For recommended further modification, refer to 1(c) above).* 6.3 Where a variation from a Building Height Limit shown on Plan 3 is sought under Development Requirements 6.1 and 6.2, the applicant shall submit as part of the application for planning approval, a report demonstrating how the development satisfies the Performance Criteria in Table B.	(a) For a site to be eligible for approval of a building height variation, a minimum lot area and frontage is prescribed. However, where under-sized lots cannot be amalgamated with adjoining lots in order to achieve the prescribed minimum area and frontage, a 10% deficiency is allowed. (b) The lots comprising the Special Design Area have been included in this area because they front onto streets which have a high degree of visibility, either by virtue of their open aspect or proximity to high volumes of vehicle or pedestrian traffic. These streets offer the potential for higher buildings with a stronger

Development Requirements	Guidance Statements
6.4 For the avoidance of doubt, the maximum building heights referred to in Development Requirement 6.2 are not subject to variation and may not be exceeded in any circumstance whatsoever.	visual presence than buildings in other streets. In return for this greater development potential, buildings need to demonstrate exceptional design quality, and meet a range of other performance criteria. (c) Table B contains a range of performance criteria aimed at promoting energy-efficient developments of exceptional, sensitive and sophisticated design quality and offering additional occupier and community benefits, among other design considerations. Subject to satisfying all of the Performance Criteria, on sites of sufficient area and frontage in the Special Design Area building height variations may be allowed to the limits specified in the development requirements.

(iii) inserting in Element 7 'Relationship to the Street', the following new Guidance Statement (b) and renumbering the subsequent Guidance Statements accordingly:

"(b) It is intended that the streets listed in Development Requirements 7.3 and 7.4 will retain a different character from other streets in the Precinct for various reasons, including being on the perimeter and facing developments with required significant street setbacks, being of narrow width, or containing significant street trees." ;

(iv) inserting the following new Development Requirement 7.5.4 in Element 7 'Relationship to the Street':

"7.5.4 The design of the building is to demonstrate that the podium and the portion of the building above it are visually compatible in terms of construction materials and design features." ;

(v) inserting the following new Development Requirement 9.6 in Element 9 'Parking':

"9.6 Other than parking bays for visitors or commercial deliveries, all car bays are to be provided in a basement, or within the building behind residential or non-residential floor space, or outside the building provided that such bays are concealed from view from the street." ;

(d) in Table B of Schedule 9A:

(i) deleting Design Consideration 1 'Minimum Lot Area and Frontage' and the related Performance Criterion, and renumbering subsequent Design Considerations accordingly;

(ii) deleting the advertised Performance Criterion for Design Consideration 2 'Design Quality' (now identified as Design Consideration 1), and replacing it with the following:

"The architectural design, in the opinion of the Council, is exceptional, sensitive and sophisticated, contributing to the quality of the inner urban environment being promoted within the Precinct. In arriving at an opinion, the Council shall consider the following:
(a) The visual appearance of the podium façade and the extent to which it engages with the street, during both daytime and night time hours.
(b) The visual presentation of all elevations of the portion of the building above the podium.
(c) Integration of any proposed artwork with the design of the building as a whole.
(d) The contribution of the external materials and finishes to the overall design quality of the building."

(iii) deleting the advertised Performance Criterion for Design Consideration 3 (now identified as Design Consideration 2) 'Overshadowing', and replacing it with the following:

"Shadow diagrams at noon on 21 June, are to be submitted demonstrating that the shadow cast by the portion of the proposed building above the Building Height Limit, does not cover more than 80 percent of any adjoining lot."

(iv) deleting the advertised Design Consideration 4 'Dwelling Density and Type', and renumbering subsequent Design Considerations accordingly.

(v) deleting the advertised Performance Criterion for Design Consideration 5 'Vehicle Management' (now identified as Design Consideration 3) and replacing it with the following:

"A traffic engineer is to conduct a study of the additional traffic resulting from a building height variation above the height limit shown on Plan 3 'Building Heights' in Schedule 9A. The study is to assess the impact on traffic flow and safety, taking into account the cumulative effect of additional floor space above the Building Height Limit in:

(a) the proposed building; and

(b) all other buildings in SCA1 for which a building height variation has been granted, and a building permit has been issued, whether or not construction has been completed.

A report on the findings of the traffic study is to be submitted with the development application verifying, to the satisfaction of the Council, that the cumulative increase in traffic resulting from the increased building height relating to buildings referred to in paragraphs (a) and (b) will not have significant adverse impacts on traffic flow and safety."

(vi) deleting the advertised Performance Criteria (2) and (3) for Design Consideration 6 'Car Parking' (now identified as Design Consideration 4);

(vii) inserting a new Design Consideration 5 'Energy-Efficiency' with the following Performance Criterion:

"In order to maximise energy-efficiency, the building is to be designed to achieve a 5-star rating under the relevant Green Star rating tool, or equivalent." ;

(viii) inserting the following new Design Consideration 6 'Electric Car Charging Station':

"An electric car charging station with capacity to recharge 6 vehicles simultaneously."

(ix) inserting the following new Design Consideration 7 'Landscaped Area':

"Landscaped area comprising not less than 40% of the area of the development site. Components of the landscaped area may include ground level landscaping, planting on walls, landscaping on the roof of the podium, rooftop terraces or gardens."

(x) deleting the requirement to meet 6-star, Green Star rating or equivalent in Performance Criterion (3)(a)(iv) of the advertised Design Consideration 7 'Additional Community Benefits and Sustainable Design Elements' (now identified as Design Consideration 8 'Benefits for Occupiers and Local and Wider Communities');

(xi) deleting the Performance Criteria (1)(a)(iv) and (2)(a)(iv) relating to 5-star Green Star rating from the advertised Design Consideration 7 'Additional Community Benefits and Sustainable Design Elements' (now identified as Design Consideration 8 'Benefits for Occupiers and Local and Wider Communities');

(xii) deleting the advertised Design Consideration 7 'Additional Community Benefits and Sustainable Design Elements' and replacing it with the following new Design Consideration 8 'Benefits for Occupiers and Local and Wider Communities':

"Note: Refer to Element 6 of Table A to identify the minimum number of Design Consideration 8 Performance Criteria which must be met according to the extent of building height variation sought by an applicant.

Occupier Benefits

(a) Each dwelling incorporates at least one balcony with a minimum floor area of 15 sq. metres and a minimum dimension of 3.0 metres not including any planter box constructed as part of the balcony, and at least 50% of dwellings having access to at least 2 hours of sunlight on 21 June.

(b) A minimum of 10% of the residential units, rounded up to the next whole number of dwellings, are to have an internal floor area of 200 sq. metres or more.

(c) A minimum of 20% of the total number of dwellings, rounded up to the next whole number of dwellings, are to be allocated parking bays measuring 6.0 metres x 3.8 metres and those dwellings are to incorporate the following core elements, designed to the 'Silver Level' of the *'Livable Housing Design Guidelines'* produced by Livable Housing Australia:

(i) a safe, continuous and step-free path of travel from the street entrance and / or parking area to a dwelling entrance that is level;

(ii) at least one step-free, level entrance into the dwelling;

(iii) internal doors and corridors that facilitate unimpeded movement between spaces;

(iv) a toilet on the ground or entry level that provides easy access;

(v) a bathroom which contains a step-free shower recess;

(vi) reinforced walls around the toilet, shower and bath to support the safe installation of grab rails at a later date; and

(vii) a continuous handrail on one side of any stairway where there is a rise of more than 1 metre.

(d) Contractual documentation is to be submitted confirming the intended transfer of ownership of a minimum of 5% of the total number of dwellings, rounded up to the next whole number of dwellings, to a community housing organisation registered with the Department of Housing, to be managed as affordable housing through a program recognised by the Department of Housing, for at least 20 years from the date of occupation of the building.

(e) At least 50% of the dwellings are to be designed to provide:

(i) effective natural cross-ventilation; and

(ii) significant views from more than one habitable room window or balcony, each being located on a different elevation of the building.

Local Community Benefits

(f) Viewing corridors to enable as many as possible of the occupiers of neighbouring buildings to retain significant views.

(g) One or more facilities such as a meeting room, boardroom, lecture theatre, function room, available for use by external community groups or individuals, or external businesses.

(h) Public access to the building, terraces or gardens at ground level, or on the roof of the podium or tower, for leisure, recreational or cultural activities such as, among others:

(i) Café/Restaurant;

(ii) Cinema/Theatre;

(iii) gymnasium;

(iv) a dedicated room for use as a community exhibition gallery for display of artworks or for other exhibitions; or

(v) an outdoor area designed for public entertainment performances.

(i) A Child Day Care Centre.

Wider Community Benefits

(j) Visiting cyclists' end-of-trip facilities including secure bicycle storage facilities, change rooms, clothes lockers and showers, for use by visitors to the proposed building.

(k) A Public Parking Station forming part of a development, such Parking Station containing not less than 50 motor cycle bays and no car bays, allowing a maximum stay of 4 hours, in addition to the occupier and visitor parking required for the development."

3. Amendment No. 46 to the City of South Perth Town Planning Scheme No. 6 **be adopted with modification** to the extent referred to above.

After assessing the many submissions received as a result of two consultation processes, the Council has exhaustively considered the manner in which Amendment No. 46 should be modified. The Council now requests that the Minister approve Amendment No. 46 in the modified form being recommended in this report.

Attachment (b)

City of South Perth

Town Planning Scheme No. 6

Amendment No. 46

South Perth Station Precinct: Special Control Area SCA 1: Rectifying anomalies and ambiguities in Schedule 9

Civic Centre
Cnr Sandgate Street and South Terrace
SOUTH PERTH WA 6151

Monday to Friday:	8.30am to 5.00pm
Enquiries:	Rod Bercov
	Strategic Urban Planning Adviser
Telephone:	9474 0770
Facsimile:	9474 2425
Email:	rodb@southperth.wa.gov.au
Web:	www.southperth.wa.gov.au

MINISTER FOR PLANNING

FILE:
PART OF AGENDA:

Proposal to Amend a Town Planning Scheme

1.	**Local Authority:**	City of South Perth
2.	**Description of Town Planning Scheme:**	Town Planning Scheme No. 6
3.	**Type of Scheme:**	District Zoning Scheme
4.	**Serial No. of Amendment:**	Amendment No. 46
5.	**Proposal:**	To rectify anomalies and ambiguities in the special provisions for development in the South Perth Station Precinct: Special Control Area SCA 1 by replacing Schedule 9 with a new Schedule 9A

RESOLUTION DECIDING TO AMEND CITY OF SOUTH PERTH TOWN PLANNING SCHEME NO. 6

Town Planning Regulations 1967 Form No. 1C

PLANNING AND DEVELOPMENT ACT 2005

Resolution Deciding to Amend City of South Perth Town Planning Scheme No. 6

Amendment No. 46

RESOLVED ...

That the Council of the City of South Perth, in pursuance of Section 75 of the *Planning and Development Act 2005*, amend the City of South Perth Town Planning Scheme No. 6 by deleting Schedule 9 and inserting a new Schedule 9A in its place in order to rectify anomalies and ambiguities in the special provisions for development in the South Perth Station Precinct: Special Control Area SCA 1.

_____

GEOFF GLASS
CHIEF EXECUTIVE OFFICER

Minutes of Council Meeting dated: 28 October 2014

AMENDMENT REPORT

Report on Amendment No. 46 to Town Planning Scheme No. 6

INTRODUCTION

The City of South Perth Town Planning Scheme No. 6 (TPS6) became operative on 29 April 2003. At a meeting held on 28 October 2014, the Council resolved to amend the Scheme in the manner described in this Report, and at the same meeting, the Council endorsed the draft Amendment for advertising purposes. A copy of the Council resolution to amend the Scheme and the text of the draft Amendment are included as part of these Amendment documents. The proposal is to amend the Scheme for the purpose of rectifying anomalies and ambiguities within Schedule 9 of the Scheme Text, being special provisions for development in the South Perth Station Precinct: Special Control Area SCA 1. Schedule 9 was introduced by way of Scheme Amendment No. 25 which became operative on 18 January 2013. The required changes will be made by deleting Schedule 9 and inserting a new Schedule 9A in its place.

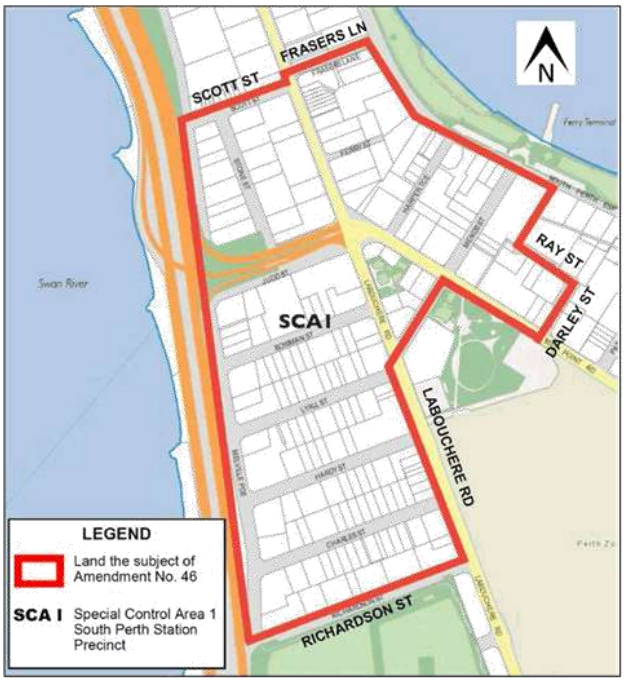
The special provisions in Schedule 9 (and in the replacement Schedule 9A) are designed to promote transit oriented development by allowing more intensive commercial redevelopment and therefore significantly increasing employment opportunities adjacent to major public transport routes. These provisions have been formulated in anticipation of the future construction of the planned South Perth train station as a 'destination' station. The land use controls for the South Perth Station Precinct are designed to ensure that a substantial portion of any new development will be non-residential, so as to provide patronage for the future train station. The objective is for large numbers of train commuters to disembark at the South Perth station in the morning to go to work, and return in the evening.

More intensive multiple residential development is also being promoted by way of the special provisions in Schedule 9 being carried forward by the replacement Schedule 9A.

The lots fronting onto major and 'high visibility' streets within the precinct comprise the 'Special Design Area' (refer to Plan 2 in Schedule 9A). For development on these lots, the requirements relating to building height limits may be varied subject to the proposed development meeting the intent of the related guidance statement and specifically meeting all of the relevant performance criteria in Table B of Schedule 9A. As part of Amendment No. 46, it is proposed that Table B will be modified to create a three-tiered scale of increasingly demanding performance criteria, tied to progressively more generous building height concessions.

AMENDMENT NO. 46 PROPOSALS

The location of the land affected by Amendment No. 46 is shown below:



Through assessment of development applications since the special provisions for the South Perth Station Precinct were introduced, a number of anomalies and ambiguities in these provisions have come to light. Amendment No. 46 will rectify these, and ensure that the objectives for the precinct are met on every occasion when a proposed development is approved.

Amendment No. 46 will insert a new Schedule 9A in place of the existing Schedule 9. The Scheme Amendment will implement the following changes:

1. **New Provision 1: Objectives**
   Expansion and clarification of the existing 'Purpose of SCA1' at the commencement of Schedule 9, now presented as a new set of 'Objectives'.

2. **New Provision 2: Description of affected land**
   Reformatting of an untitled table in Schedule 9 as a new provision containing a description of the land comprising Special Control Area 1.

3. **New Provisions 3 (1), 3(2), 3(3) and 3(4): Operation of Table A**
   Clarification of the respective functions of 'Development Requirements' and 'Guidance Statements' in Table A.

4. **New Provision 3(5): 'Minor Additions and Alterations'**
   Clarification as to what constitutes 'minor additions and alteration' to which the special provisions in Schedule 9A do not apply.

5. Provision 4: Schedule 9A Definitions

(a) Reformatting of 'Definitions' in Schedule 9 as a new provision in Schedule 9A.

(b) Deletion of definition of "comprehensive new development". Schedule 9A only applies to the South Perth Station Precinct whereas the term "comprehensive new development" is now used in other parts of the district as well. The definitions in Schedule 1 of the Scheme Text have City-wide application and therefore, by way of Scheme Amendment No. 30, the definition of "comprehensive new development" has been inserted in Schedule 1. Consequently, in the new Schedule 9A this term has been deleted.

(c) Minor changes to the definitions of "discretionary land use" and "preferred land use" to further clarify the meaning and operative effect of each.

(d) Insertion of a new definition of "heritage place" in Schedule 9A.

(e) In place of the definition of "Specialty Retail", insertion of a definition "Small Shop", being a shop with a 250 sq. metre limit on gross floor area and excluding a supermarket or department store.

6. Table A, Element 1: Land Use – Preferred and Discretionary

(a) In Mends Sub-Precinct 'Preferred land uses', deletion of "Local Shop" and "Specialty Retail" and insertion of "Service Industry", "Shop" and "Small Shop".

(b) In Scott-Richardson Sub-Precinct 'Preferred land uses', insertion of "Service Industry".

(c) In Scott-Richardson Sub-Precinct 'Discretionary land uses', deletion of "Specialty Retail" and insertion of "Small Shop".

7. Table A, Element 2: Ground Floor Land Uses – Preferred and Discretionary

(a) In Mends Sub-Precinct 'Preferred ground floor land uses', deletion of "Local Shop" and "Specialty Retail" and insertion of "Service Industry", "Shop" and "Small Shop".

(b) In Scott-Richardson Sub-Precinct 'Preferred ground floor land uses', deletion of "Specialty Retail" and insertion of "Service Industry" and "Small Shop".

(c) Insertion of new Guidance Statement (b) to clarify that, within Element 2, the sole purpose of designating uses as either 'preferred' or 'discretionary' is to indicate their appropriateness for location on the ground floor of a building, not to indicate the appropriateness of the identified land uses within a particular Sub-Precinct, the latter being the function of Element 1.

8. Table A, Element 3: Plot Ratio and Land Use Proportions

Modification of the development requirements and guidance statements to clarify that a Mixed Development may contain predominantly residential development provided that, in the Mends and Scott-Richardson Sub-Precincts, the non-residential component has a minimum plot ratio of 1.0, as currently required.

In the Special Design Area, where the plot ratio of a development is more than 3.0, the non-residential component must have a plot ratio of at least 1.5 unless the Council is satisfied that, with a lower non-residential plot ratio (but not less than 1.0), the proposed development will still make a significant contribution towards consolidating the precinct as an employment destination.

9. Table A, Element 6: Special Design Area

(a) For more convenient reference, the current Element 13: Special Design Area has been brought forward to immediately follow Element 5: Building Height.

(b) The existing Element 13 states that both 'Plot Ratio and Land Use Proportions' and 'Building Height' may be varied where the Table B performance criteria are satisfied. However for land use mix i.e. residential vs non-residential, the discretion for Council to allow variations is now accommodated within Element 3. Therefore the new Element 6 (currently Element 13) only relates to 'building height' variations.

10. Table A, Element 7: Relationship to the Street

Street setback for portions of a building above the podium: The new Development Requirements 6.5.2 and 6.5.3 and Guidance Statement (f) clarify that there is discretionary power to permit reductions below the prescribed 4 metre street setback, to a minimum of 3 metres, but only to accommodate cantilevered balconies or decorative elements on the street elevation.

11. Table A, Element 8: Side and Rear Setbacks

Setback of portions of a building above the podium: Modification to Development Requirements 8.2 and related Guidance Statement (b) to clarify that no discretionary power is available to approve any lesser setbacks than those prescribed.

12. Table A, Element 9: Parking

(a) Modification to to clarify that visitor parking bays are not additional to the prescribed minimum number of occupiers' bays.

(b) Modifications in relation to discretionary power to allow a lesser number of parking bays than normally required. The current provisions allow for variations where neighbouring buildings have under-utilised parking bays. This would be an extremely rare occurrence and in any event is not an appropriate circumstance for granting parking concessions for new development. However, as is currently the case, the Council may grant a parking concession where a proposed development includes non-residential uses that have different periods of peak parking demand; and the Council is satisfied that the proposed number of bays is sufficient.

(c) Addition of Development Requirements 9.3, 9.4 and 9.5 to regulate where visitor parking bays are to be placed on a development site.

13. Other Elements in Table A

To achieve greater clarity, Amendment No. 46 will also improve the wording of development requirements and guidance statements in Elements 4, 5, 11, 12 and 13 of Table A without changing the operative effect of those provisions.

14. Table B 'Performance Criteria'

Table B has been restructured to create a three-tiered scale of increasingly demanding performance criteria, coupled with progressively more generous building height concessions.

15. Table B, Design Consideration 1: Minimum Lot Area and Frontage

To guide discretionary Council decisions regarding approval of variations from the prescribed minimum lot area and frontage, introduction of a qualification relating to inability to amalgamate with an adjoining lot.

16. Table B, Design Consideration 6: Car Parking

In relation to car parking, a new performance criterion has been added which imposes a maximum limit on the provision of parking bays for residential dwellings.

17. Table B, Design Consideration 7: Additional Community Benefits

(a) Deletion of reference to 'street art' and 'public art' from Performance Criteria (a) and (b) because the Council has adopted a new Policy P316 with wider application, dealing with applicants' obligations concerning public art.

(b) Re-naming this design consideration as "Additional Community Benefits and Sustainable Design Elements". Design Consideration 7 now includes the performance criterion relating to sustainable design, relocated from the existing Design Consideration 8 "Resource Efficiency".

(c) Table B has been restructured as referred to in Item 14 above. The restructuring affects only Design Consideration 7.

18. Table B, Design Consideration 8: Resource Efficiency

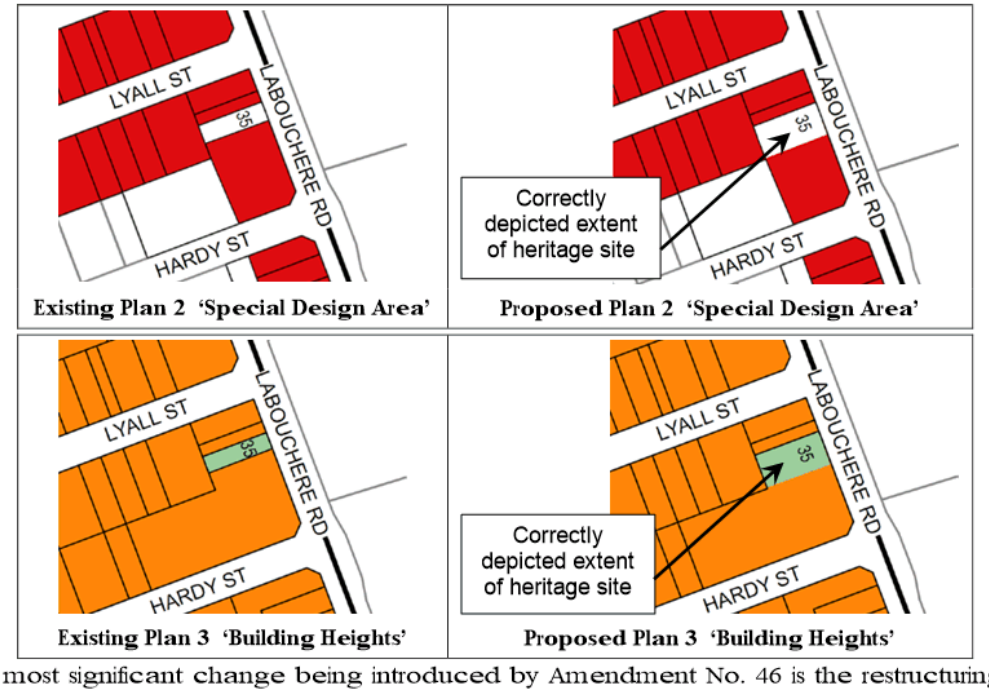
(a) The Council has recently adopted a revised version of its Policy P350.1: 'Environmentally Sustainable Building Design'. Policy P350.1 imposes demanding 'sustainability' requirements on all development elsewhere throughout the City. Therefore, for Design Consideration 8, the wording of the performance criterion has been strengthened in order to exceed the requirements in Policy P350.1. The revised performance criterion is linked to the requirements of the 'Green Star' rating system. 'Five-star' compliance is required for buildings up to 60 metres above the height limit shown on Plan 3 'Building Heights'. Above that height, '6-star' compliance is required.

(b) As referred to in Item 16(b) above, Design Consideration 8 has now been consolidated with Design Consideration 7 and re-named accordingly.

19. Plan 2 'Special Design Area' and Plan 3 'Building Heights'

Correction relating to the heritage-listed property at No. 35 Labouchere Road. The extent of the required correction is shown in **Figure 1** below.

Figure 1 Correction of extent of heritage site at 35 Labouchere Road – Plan 2



The most significant change being introduced by Amendment No. 46 is the restructuring of Table B to create a graduated scale of increasingly demanding performance criteria, tied to progressively more generous building height concessions. This change is necessary because at present, there is no limit on the extent of possible variations from prescribed building height

limits. For properties in the Special Design Area, an applicant who meets all relevant performance criteria in Table B may seek a height variation of perhaps one or two storeys, while another applicant in the same situation may seek a far greater height variation without the development being of a higher standard or offering more community benefits. The proposed restructuring of Table B will make the performance criteria more equitable according to the extent of height concession being sought.

The current provisions within Schedule 9 may seem to indicate that, on sites in the Special Design Area where an applicant seeks a concession regarding building height, the proposal must be predominantly non-residential although legal advice to the contrary has been obtained. The legal advice is to the effect that in such cases, the Council may approve a predominantly residential development if satisfied that the development will also make a significant contribution towards consolidation of the South Perth Station precinct as an employment destination, provided that all relevant Table B performance criteria are met. However as there is a degree of ambiguity regarding the required land use proportions i.e. 'residential' vs 'non-residential' the current provisions need to be modified. Amendment No. 46 will clarify the position. Where an applicant is seeking a concession regarding the land use mix or building height, Amendment No. 46 requires a minimum non-residential plot ratio of 1.5, but this may be reduced where the Council is satisfied that the proposed development still makes a significant contribution towards consolidating the precinct as an employment destination.

Apart from the necessary changes outlined above, the Council is satisfied that the special provisions for the South Perth Station Precinct are operating effectively and fostering satisfactory built form, based on the developments approved to date. The Council considers that it is too soon to make radical changes at this stage because the new provisions have not been sufficiently tested yet.

CONCLUSION

Having regard to all of the matters discussed above, the proposed Amendment No. 46 is consistent with the orderly and proper planning of the City. It retains the original intent of the special provisions for the South Perth Station Precinct, while presenting the Schedule 9 provisions in a clearer manner. This is achieved by inserting a new Schedule 9A in its place.

The Council now requests that the Western Australian Planning Commission and the Minister for Planning favourably consider the proposals contained in Amendment No. 46.

Report prepared by:
ROD BERCOV
STRATEGIC URBAN PLANNING ADVISER

Council meeting dated: 28 October 2014

AMENDING DOCUMENTS

Endorsed by Council for community advertising
Council Meeting : 28 October 2014

NOTES:

PLANNING AND DEVELOPMENT ACT 2005

Town Planning Scheme No. 6
Amendment No. 46

Endorsed by Council for community advertising
Council Meeting : 28 October 2014

The Council of the City of South Perth under the powers conferred upon it by the *Planning and Development Act 2005*, hereby amends the above local planning scheme as follows:

1. Schedule 9 is deleted and the following new Schedule 9A is inserted in its place:

Schedule 9A
Special Control Area 1 –
South Perth Station Precinct

Refer to Clause 10.1

NOTE ON SCHEDULE 9A :
Schedule 9A added by Amendment No. 46 (GG ….)
[Note added ….]

Provision 1. Objectives of Special Control Area 1

The objectives of the development controls for Special Control Area 1 – South Perth Station Precinct are to:

(a) promote more intensive commercial land use to support the increased residential population, provide greater employment self-sufficiency in the City and patronage for a future 'destination' rail station;

(b) create a precinct that offers commercial office space, cafés, restaurants, hotels and tourist accommodation;

(c) preserve portions of the precinct for predominantly residential, retail and office uses, as appropriate, by the creation of sub-precincts;

(d) create a high quality inner-city urban character;

(e) promote a high level of pedestrian amenity with active street frontages to create a liveable and accessible environment for visitors and residents;

(f) allow buildings designed to maximise river and city views while maintaining view corridors;

(g) permit additional building height on the most prominent streets within the precinct in return for meeting certain performance criteria relating to exceptional quality architecture, sustainable design, and additional community benefits; and

(h) preserve and protect the integrity of heritage places within the precinct.

NOTES:

Provision 2. Land comprising Special Control Area 1

Special Control Area 1 – South Perth Station Precinct as delineated on the Scheme Map as SCA1, includes land adjacent to portions, or all, of the following streets: Bowman Street, Charles Street, Darley Street, Ferry Street, Frasers Lane, Hardy Street, Harper Terrace, Judd Street, Labouchere Road, Lyall Street, Melville Parade, Mends Street, Mill Point Road, Ray Street, Richardson Street, Scott Street, South Perth Esplanade, and Stone Street.

Provision 3. Operation of Schedule 9A

(1) Comprehensive new development within Special Control Area 1 – South Perth Station Precinct shall comply with the development requirements in the second column of Table A of this Schedule. No variation from those requirements is permissible unless a particular development requirement refers to a discretionary power expressly vested in the Council.

(2) The guidance statements in the third column of Table A explain the rationale for the development requirements in the second column; and guide the Council in the exercise of discretion, where applicable, when considering applications for planning approval for comprehensive new development.

(3) In cases where the Council has discretionary power to approve a proposed variation from a particular development requirement in Table A, approval shall not be granted unless the Council is satisfied that the proposed development meets the intent of the related guidance statements.

(4) On sites within the Special Design Area where approval is sought for variations from Development Requirements 3.4 and 5.1, approval shall not be granted unless the Council is satisfied that the proposed development meets the intent of the related guidance statements and also complies with all relevant Performance Criteria in Table B.

(5) Within Special Control Area 1 – South Perth Station Precinct:

(a) the provisions of this Schedule do not apply to alterations or additions of the following kinds:

(i) additional habitable floor area which does not add new dwellings or accommodate additional people working in the non-residential portion of a building;

(ii) renovations or repairs which do not increase the plot ratio area of the building;

(iii) a non-habitable outbuilding;

(iv) an open-sided addition;

(v) any other non-habitable addition;

(vi) modifications to the façade; or

(vii) change of use.

(b) For alterations or additions of the kinds referred to in paragraph (a) there is no maximum plot ratio within Special Control Area 1 – South Perth Station Precinct, but such alterations or additions are subject to all other relevant provisions of this Scheme.

NOTES:

Provision 4. Definitions

In this Schedule:

NOTE ON PROVISION 4 'DEFINITIONS' :
Refer to Schedule 1 for definition of
'comprehensive new development'.

'active street frontage' means a street frontage on the ground floor of a building that enables direct visual and physical contact between the street and the interior of the building to ensure casual surveillance of the public domain. Clearly defined entrances, windows and shop fronts are elements of the building façade that contribute to an active street frontage.

'discretionary land use' means a ~~land~~ use which the Council may consider suitable for the Sub-Precinct in which the use is proposed if it can be demonstrated that the use would not detract from the amenity of the Sub-Precinct and would meet the intent of the Sub-Precinct guidance statements for Elements 1 and 2 in Table A.

'heritage place' has the same meaning as the term 'place' as defined in the *Heritage of Western Australia Act 1990.*

'podium' means the lower levels of a building, which are to have lesser setbacks than the upper levels as detailed in Element 6 and Element 7 of Table A of this Schedule.

'preferred land use' means a use which contributes to the vision of the Sub-Precinct.

'Small Shop' means a shop with a gross floor area not exceeding 250 square metres. The term does not include a supermarket or department store.

'Special Design Area' means the area identified as a special design area on Plan 2 - Special Design Area forming part of this Schedule.

Table A: Development Controls for Comprehensive New Development

Development Requirements	Guidance Statements
Element 1: Land Uses – Preferred and Discretionary	
1.1 Mends Sub-Precinct 1.1.1 *Preferred land uses:* Cafe/Restaurant, Cinema/Theatre, Convenience Store, Hotel, Mixed Development, Office, Service Industry, Shop, Small Shop, Tourist Accommodation; Aged or Dependent Persons' Dwelling, Grouped Dwelling, Multiple Dwelling, Single, Residential Building and Bedroom Dwelling. 1.1.2 *Discretionary land uses:* Consulting Rooms, Educational Establishments and Public Parking Station. **1.2 Scott-Richardson Sub-Precinct** 1.2.1 *Preferred land uses:* Café/Restaurant, Mixed Development, Office, Service Industry, Take-Away Food Outlet, Tourist Accommodation, Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons' Dwelling and Residential Building. 1.2.2 *Discretionary land uses:* Civic Use, Consulting Rooms, Educational Establishment, Hotel, Public Parking Station, Reception Centre and Small Shop. **1.3 South Perth Esplanade Sub-Precinct** *Preferred land uses:* Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons' Dwelling, Residential Building and Tourist Accommodation. **1.4 Stone-Melville Sub-Precinct** 1.4.1 *Preferred land uses:* Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons' Dwelling, Residential Building; 1.4.2 *Discretionary land uses:* Café/Restaurant, Consulting Rooms, Local Shop, Mixed Development and Tourist Accommodation. **1.5 Uses not listed** Any use not listed in clauses 1.1, 1.2, 1.3 and 1.4 is not permitted unless the use meets the intent of the related Element 1 guidance statements. **1.6 Interaction of Elements 1 and 2** With respect to ground floor uses, the provisions of 'Element 2 Ground Floor Uses' will prevail over the provisions of 'Element 1 Land Use' in the event of any inconsistency.	(a) It is intended that this development area is to consolidate its role as an employment destination. (b) Non-residential uses should predominantly comprise offices, shops and other commercial land uses, Educational Establishments and tourist-oriented development. **(c) Mends Sub-Precinct** For the Mends Sub-Precinct, shops and other commercial uses are encouraged to retain Mends Street's traditional function as the main retail area in South Perth. Land uses with higher intensity visitation should be located on the ground floor, with non-residential land uses encouraged on the lower floors and residential on the upper floors. **(d) Scott-Richardson Sub-Precinct** For the Scott-Richardson Sub-Precinct the traditional Office and small scale shops and other commercial uses are encouraged on the ground and lower floors with residential on the upper floors. **(e) South Perth Esplanade Sub-Precinct** For the South Perth Esplanade Sub-Precinct, land uses which preserve a residential character are encouraged. **(f) Stone-Melville Sub-Precinct** For the Stone-Melville Sub-Precinct, land uses which preserve a residential character are encouraged, with limited commercial development.

Table A: Development Controls for Comprehensive New Development (continued)

Development Requirements	Guidance Statements
Element 2: Ground Floor Land Uses – Preferred and Discretionary	
2.1 Mends Sub-Precinct 2.1.1 No residential dwellings are permitted on the ground floor. 2.1.2 *Preferred ground floor land uses:* Cafe/Restaurant, Convenience Store, Hotel, Office, Service Industry, Shop, Small Shop, and Tourist Accommodation. 2.1.3 *Discretionary ground floor land uses:* Consulting Rooms, Educational Establishment. **2.2 Scott-Richardson Sub-Precinct** 2.2.1 No residential dwellings are permitted on the ground floor. 2.2.2 *Preferred ground floor land uses:* Café/Restaurant, Office, Service Industry, Small Shop and Take-Away Food Outlet. 2.2.3 *Discretionary ground floor land uses:* Consulting Rooms, Educational Establishment. **2.3 South Perth Esplanade Sub-Precinct** *Preferred ground floor land uses:* Grouped Dwelling, Multiple Dwelling, Aged or Dependent Persons' Dwelling, Single Bedroom Dwelling, Residential Building and Tourist Accommodation. **2.4 Stone-Melville Sub-Precinct** *Preferred ground floor land uses:* Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons' Dwelling, Residential Building, Café/Restaurant, Consulting Rooms, Local Shop, Mixed Development, and Tourist Accommodation. **2.5 Uses not listed** Any land use not listed in clauses 2.1, 2.2, 2.3 and 2.4 is not permitted unless the use meets the intent of the related Element 2 guidance statement.	(a) The ground floors of buildings are the most important in engendering interaction between the public and private realms. As such, for the Mends and Scott-Richardson Sub-Precincts, non-residential uses are expected at the ground floor level to enhance the public / private interface. (b) Within Element 2 'Ground Floor Land Uses', the sole purpose of designating uses as either 'preferred' or 'discretionary' is to indicate their appropriateness for location on the ground floor of a building. This does not indicate their appropriateness within a particular Sub-Precinct. (To determine whether a land use is 'preferred' or 'discretionary' within a particular Sub-Precinct, refer to Element 1.)
Element 3: Plot Ratio and Land Use Proportions	
3.1 There is no maximum plot ratio for any development within Special Control Area 1 – South Perth Station Precinct. 3.2 Within the Scott-Richardson Sub-Precinct and the Mends Sub-Precinct, all development shall have a non-residential component with a minimum plot ratio of 1.0. 3.3 In the Scott-Richardson Sub-Precinct and the Mends Sub-Precinct, where the total plot ratio of a Mixed Development is 3.0 or less, the plot ratio of the residential component shall not exceed 1.5.	(a) With the exception of the South Perth Esplanade and Stone-Melville Sub-Precincts, any comprehensive new development should make a significant contribution towards consolidation of the South Perth Station Precinct as an employment destination. *(cont'd)*

Table A: Development Controls for Comprehensive New Development (continued)

Development Requirements	Guidance Statements
Element 3: Plot Ratio and Land Use Proportions (continued)	
3.4 In the Scott-Richardson Sub-Precinct and the Mends Sub-Precinct, on sites which are not in the Special Design Area, where the total plot ratio of a Mixed Development is more than 3.0, there is no maximum plot ratio for the residential component. 3.5 On sites in the Special Design Area, where the total plot ratio of a Mixed Development is more than 3.0, the plot ratio of the non-residential component shall be not less than 1.5 unless the Council approves a lower non-residential plot ratio to a minimum of 1.0, where satisfied that the development meets the intent of Guidance Statement (a). 3.6 The provisions of the Codes relating to dwelling size in activity centres shall apply. 3.7 For development that includes residential dwellings, the provisions of the Codes relating to 'Utilities and Facilities' in activity centres shall apply. 3.8 **South Perth Esplanade and Stone-Melville Sub-Precincts** Clauses 3.2, 3.3 and 3.4 do not apply to the South Perth Esplanade Sub-Precinct and the Stone-Melville Sub-Precinct.	(b) To meet potential occupiers' diverse needs, all developments that include a residential component should provide a diversity of dwelling sizes and number of bedrooms, including Single Bedroom Dwellings. (c) For residential dwellings, storerooms, rubbish collection and clothes drying areas should be provided.
Element 4: Podium Height	
4.1 The podium height shall be 9 metres minimum and 13.5 metres maximum. 4.2 For properties that contain or abut a heritage place, the podium height shall be a minimum of 7 metres and a maximum of 10.5 metres unless otherwise approved by the Council after giving due consideration to Element 13 of Table A of this Schedule. 4.3 On a corner site, in order to accommodate an architectural design feature, the Council may permit a variation from the maximum podium height prescribed in clause 4.1 where the development meets the intent of the related guidance statements.	(a) The scale of the podium is an important contributory factor to the character and perceived integrity of the street. (b) Corner podium with architectural design features is encouraged.
Element 5: Building Height	
5.1 With the exception of any variations that the Council may approve under Element 6 'Special Design Area', buildings shall comply with the height limits shown on Plan 3 'Building Heights'.	(a) In general, the building height limits shown on Plan 3 'Building Heights', coupled with unlimited total plot ratio, will facilitate achievement of the desired character of the South Perth Station Precinct as an urban place with a dynamic and vibrant inner city atmosphere. Within the Special Design Area comprising sites fronting the more prominent streets, it is appropriate to allow taller buildings provided the performance criteria in Table B are met.

Table A: Development Controls for Comprehensive New Development (continued)

Development Requirements	Guidance Statements
Element 6: Special Design Area	
6.1 In the case of a development in the Special Design Area with a plot ratio of more than 3.0, the Council may approve a variation from the Building Height Limit shown on Plan 3, where the Council is satisfied that the development meets: (a) all relevant Performance Criteria in Table B; and (b) the intent of the guidance statement for Element 5 'Building Height'. 6.2 Where a variation from the prescribed Building Height Limit is sought under Development Requirement 6.1, as part of the application for planning approval a report shall be submitted demonstrating how the development meets the performance criteria in Table B and the intent of the guidance statement for Elements 5.	(a) The lots comprising the Special Design Area front onto streets which have a high degree of visibility, either by virtue of their aspect or proximity to high volumes of vehicle or pedestrian traffic. All developments in the Special Design Area should be designed to display a strong visual presence and landmark qualities. (b) Table B contains a range of performance criteria aimed at promoting developments of exceptional design quality and sustainability and offering additional community benefits, among other design considerations. Subject to meeting all of the relevant performance criteria in Table B and the intent of the guidance statement for Element 5, sites in the Special Design Area have the potential to achieve greater development yields than permissible in accordance with the requirements of Table A.
Element 7: Relationship to the Street	
7.1 The street setbacks apply to both residential and non-residential components of buildings. 7.2 Subject to clause 7.5.1, with the exception of development on sites fronting the streets referred to in clauses 7.3 and 7.4, all development shall incorporate a podium with a nil street setback. For development on sites fronting the streets referred to in Development Requirements 7.3 and 7.4, inclusion of a podium is optional. 7.3 For properties fronting the following streets, the street setback for any part of the building including the podium, if any, shall be 4 metres unless otherwise approved by the Council: (a) Darley Street; (b) Ferry Street; (c) Frasers Lane; (d) Judd Street (north side); (e) Melville Parade, north of Judd Street; (f) Ray Street; (g) Scott Street; and (h) Stone Street. **7.4 South Perth Esplanade Sub-Precinct** 7.4.1 The setback from South Perth Esplanade shall be 6 metres unless otherwise approved by the Council.	(a) With the exception of sites fronting on to the streets listed in clauses 7.3 and 7.4, to achieve a high degree of continuity of the street edge, the podium should abut the street boundary, with the upper levels above the podium being set back in accordance with Element 8 'Side and Rear Setbacks'. (b) Ground floor commercial tenancies adjacent to any street should maximize active street frontages and provide a public entrance directly accessible from the street. (c) The extent of blank or solid wall at ground level adjacent to the street should be minimised. (d) Deep and poorly illuminated recesses are to be avoided at ground level adjacent to pedestrian paths. (e) Where cafés or restaurants are proposed, alfresco dining is encouraged. *(cont'd)*

Table A: Development Controls for Comprehensive New Development (continued)

Development Requirements	Guidance Statements
Element 7: Relationship to the Street (continued)	
7.5 Scott-Richardson and Mends Sub-Precincts 7.5.1 The following requirements apply unless otherwise approved where the Council is satisfied that the proposed development meets the intent of the related guidance statements: (a) For properties in all streets not referred to in Development Requirements 7.3 and 7.4, the street setback to the podium shall be zero for a minimum of 60% of the street frontage. (b) Ground floor street facades shall comprise at least one pedestrian entrance and a minimum of 60% clear glass with a maximum sill height of 450mm above the adjacent footpath level. No obscure screening is permitted higher than 1.2 metres above the adjacent footpath level. (c) Portions of ground floor street facades with no openings shall not exceed 5 metres in length. 7.5.2 For storeys above the podium, the setback from the street to the main external wall of a building shall be a minimum of 4.0 metres. 7.5.3 Where satisfied that the intent of the related guidance statement is met, the Council may grant approval for cantilevered balconies or decorative elements to be set back a minimum of 3.0 metres from the street boundary of the development site.	(f) To achieve strong visual distinction between the podium and the storeys above it, the main external wall above the podium is to be set back a minimum of 4.0 metres from the street boundary. However, to enhance the overall built form, a lesser setback may be allowed for cantilevered balconies or decorative elements on the street elevation provided that: (i) strong visual differentiation between the podium and the upper storeys is maintained; (ii) the perceived scale of the building does not dominate public space; (iii) the projecting elements have sufficient design merit and visual interest; and (iv) solar access to the public footpath is not adversely affected.
Element 8: Side and Rear Setbacks	
8.1 Subject to Development Requirement 8.3, for both residential and non-residential components of a building, podium walls shall have a zero setback from side and rear boundaries. The Council may approve a greater setback where the development meets the intent of the related the guidance statement. 8.2 Subject to Development Requirement 8.3, for the portion of a building above the podium, or where there is no podium on sites fronting streets referred to in Element 7, the setbacks from side and rear boundaries shall be: (a) For non-residential components: 3 metres minimum. (b) For residential components: Not less than the setbacks prescribed in Table 5 of the Codes which shall apply to both side and rear boundaries. 8.3 In the case of a development involving additions or alterations to a heritage place, or on a site adjoining a heritage place, the minimum setback from the side and rear boundaries shall be as determined by the Council having regard to the preservation of the visual significance and integrity of the heritage place.	(a) The podium levels of buildings will normally be required to have zero side and rear setbacks to ensure a high degree of continuity of the street edge. (b) The portion of a building above the podium is required to be set back from side and rear boundaries to allow light and solar penetration between buildings. (c) Any building constructed on a site adjoining a heritage place must preserve the visual significance and integrity of the heritage place. To contribute to the achievement of this objective, the new building needs to be set back appropriate distances from the side and rear boundaries of the development site.

Table A: Development Controls for Comprehensive New Development (continued)

Development Requirements	Guidance Statements
Element 9: Parking	
9.1 Subject to Development Requirement 9.2, the minimum required on-site parking bays shall be as follows: (a) For residential uses – (i) 0.75 car bays per dwelling for occupiers of Single Bedroom Dwellings; (ii) 1 car bay per dwelling for occupiers of dwellings other than Single Bedroom Dwellings; (iii) 1 additional car bay per 6 dwellings for visitors; (iv) in addition to the required car bays, 1 bicycle bay per 3 dwellings; and 1 bicycle bay per 10 dwellings for visitors, designed in accordance with AS2890.3 (as amended). (b) For non-residential Uses – (i) 0.5 car bays per Tourist Accommodation suite; (ii) 1 car bay per 50 square metres of gross floor area for uses other than Tourist Accommodation; (iii) 10%, or 2, of the total number of required car bays, whichever is the greater, marked for the exclusive use of visitors; (iv) in addition to the required car bays, for staff use, 1 bicycle bay per 200 square metres of gross floor area designed in accordance with AS2890.3 (as amended); together with 1 secure clothes locker per bay; and 1 male and 1 female shower per 10 bays. 9.2 Notwithstanding Development Requirement 9.1, for non-residential Uses only, the Council may approve a lesser number of car or bicycle bays where it is demonstrated to the satisfaction of the Council that the proposed number of bays is sufficient, having regard to different periods of peak parking demand for proposed non-residential land uses on the development site. 9.3 All visitor parking bays shall be: (a) marked and clearly signposted as dedicated for visitor use only; (b) connected to an accessible path of travel for people with disabilities. 9.4 Subject to Development Requirement 9.5, all visitor parking bays shall be located close to, or visible from, the point of vehicular entry to the development site and outside any security barrier. *(cont'd)*	(a) In an urban area with excellent public transport and a highly walkable environment, there is a strong rationale not to apply the high levels of parking provision associated with suburban environments. (Note: Maximum car parking requirements may be applied in the future.) (b) Having regard to the reduced parking requirements within the South Perth Station Precinct, no parking concessions are allowed except where a proposed development includes more than one non-residential use and those uses have different periods of peak parking demand. (c) On-site visitor parking bays need to provided in a conveniently accessible location without obstructing entry to, or egress from, occupiers' parking bays.

Table A: Development Controls for Comprehensive New Development (continued)

Development Requirements	Guidance Statements
Element 9: Parking (continued)	
9.5 Notwithstanding Development Requirement 9.4, visitor parking bays may be placed: (a) elsewhere on the development site if the Council considers that the proposed location of those bays would be more convenient for visitors; and (b) inside a security barrier where: (i) two of the visitor bays are provided outside the security barrier unless otherwise approved where the Council is satisfied that the intent of Guidance Statement (c) is met; and (ii) visitors have convenient access to an electronic communication system linked to each occupier of the building.	
Element 10: Canopies	
10.1 Where a building abuts the street boundary, a canopy with a minimum projection depth of 2.5 metres shall be provided over the street footpath.	(a) Where a building abuts the street boundary, a canopy should be provided that extends sufficiently over the footpath to provide a reasonable degree of shade and shelter to pedestrians.
Element 11: Vehicle Crossovers	
11.1 Only one vehicle crossover per lot per street is permitted. 11.2 Two-way crossovers to a maximum width of 6 metres are permitted for parking areas containing 30 car bays and parking areas predominantly providing for short-term parking. 11.3 For development that includes residential dwellings, the provisions of the Codes relating to sight lines at vehicle access points and street corners in activity centres shall apply. **11.4 Mends Sub-Precinct** For the Mends Sub-Precinct, the above requirements for vehicle crossovers shall apply except in the following circumstances: (a) where appropriate alternative vehicle access is available from a rear lane or other right of way, no vehicle access from the primary or secondary street is permitted; and (b) where appropriate alternative vehicle access is available from another street, no vehicle access from Mends Street is permitted.	(a) The quality of the pedestrian experience should take precedence over the quality of the driver's experience by minimising the number of vehicle/ pedestrian conflict points, in order to create a safer and more attractive pedestrian environment. (b) Shared crossovers are strongly encouraged.

Table A: Development Controls for Comprehensive New Development (continued)

Development Requirements	Guidance Statements
Element 12: Landscaping and Outdoor Living Areas	
12.1 Where landscaping is proposed, a landscaping plan meeting the intent of the related guidance statement shall be submitted as part of the application for planning approval. 12.2 For development that includes residential dwellings, the provisions of the Codes relating to outdoor living areas in activity centres shall apply.	(a) Where a street setback is provided, landscaping in the setback area should be based on water-sensitive design principles, minimise water consumption and maximise retention and re-use of water and have due consideration to Element 14 'Designing Out Crime'. (b) All residential dwellings should be provided with outdoor living areas.
Element 13: Heritage	
13.1 In the case of a development involving additions or alterations to a heritage place, or on a site adjoining a heritage place, the application for planning approval shall be accompanied by a heritage impact statement justifying the appropriateness of the built form of the development, including specific reference to the impact of the proposed podium height and overall building height. 13.2 In the case of a development involving additions or alterations to a heritage place, the proposed development shall retain, re-use and maintain the integrity of the existing heritage place. 13.3 The siting and design of any building on a site adjoining a heritage place shall respect the visual significance and integrity and not overwhelm or adversely affect the heritage place having regard to the design, size, scale, setbacks and proportion of the proposed development, particularly as viewed from the street.	(a) The precinct contains a number of places which are recognised for their heritage value. The streetscape character in the near vicinity is influenced by the scale and form of these heritage places. (b) Any development on a site containing or abutting a heritage place should respect the scale of that building, particularly as viewed from the street. (c) Any new development on or abutting a heritage place should be located so as to ensure that the character of the heritage place is not adversely affected. (d) New development should be complementary to and supportive of the heritage places without copying or mimicking them.
Element 14: Designing Out Crime	
14.1 Primary pedestrian access points shall be visible from buildings and the street. 14.2 Developments shall, when relevant, incorporate illumination in accordance with the following Australian Standards: (a) AS 1680 regarding safe movement; (b) AS 1158 regarding lighting of roads and public spaces; and (c) AS 4282 Control of obtrusive effects of outdoor lighting. 14.3 Storage areas shall be sited in a location that will not facilitate access to upper level windows and balconies. 14.4 Public and Private areas shall be differentiated by the use of differing materials. *(cont'd)*	(a) Design should, as far as practicable, enhance natural surveillance, natural access control and territorial reinforcement. (b) The design of developments should avoid creation of areas of entrapment in recesses, alleyways or other areas providing no alternative means of escape.

Table A: Development Controls for Comprehensive New Development (continued)

Development Requirements	Guidance Statements
14.5 Any fence on the perimeter of the public realm shall be: (a) no higher than 0.9 metres; or (b) no higher than 1.5 metres provided that the portion above 0.9 metres comprises open grille panels between piers with the solid portions comprising not more than 20% of its face in aggregate. 14.6 Security grilles and other security devices that have potential to adversely affect the streetscape are not permitted unless the Council is satisfied that the device meets the intent of the relevant guidance statements.	
Element 15: Road and Rail Transport Noise	
15.1 On sites having a frontage to Melville Parade or other streets as determined by the Council, in the case of an application for planning approval for development containing noise sensitive land uses: (a) a noise assessment shall be undertaken and the findings shall be submitted to the Council with the application; (b) if required by Council, the application shall include a noise management plan; (c) the noise assessment and noise management plan shall be prepared in accordance with Western Australian Planning Commission's State Planning Policy 5.4 *'Road and Rail Transport Noise and Freight Consideration in Land Use Planning'*; (d) where noise limits referred to in State Planning Policy 5.4 are likely to be exceeded, the solution identified in the noise management plan shall be detailed and justified.	(a) Development in proximity to the Kwinana Freeway should be designed having regard to noise mitigation measures.

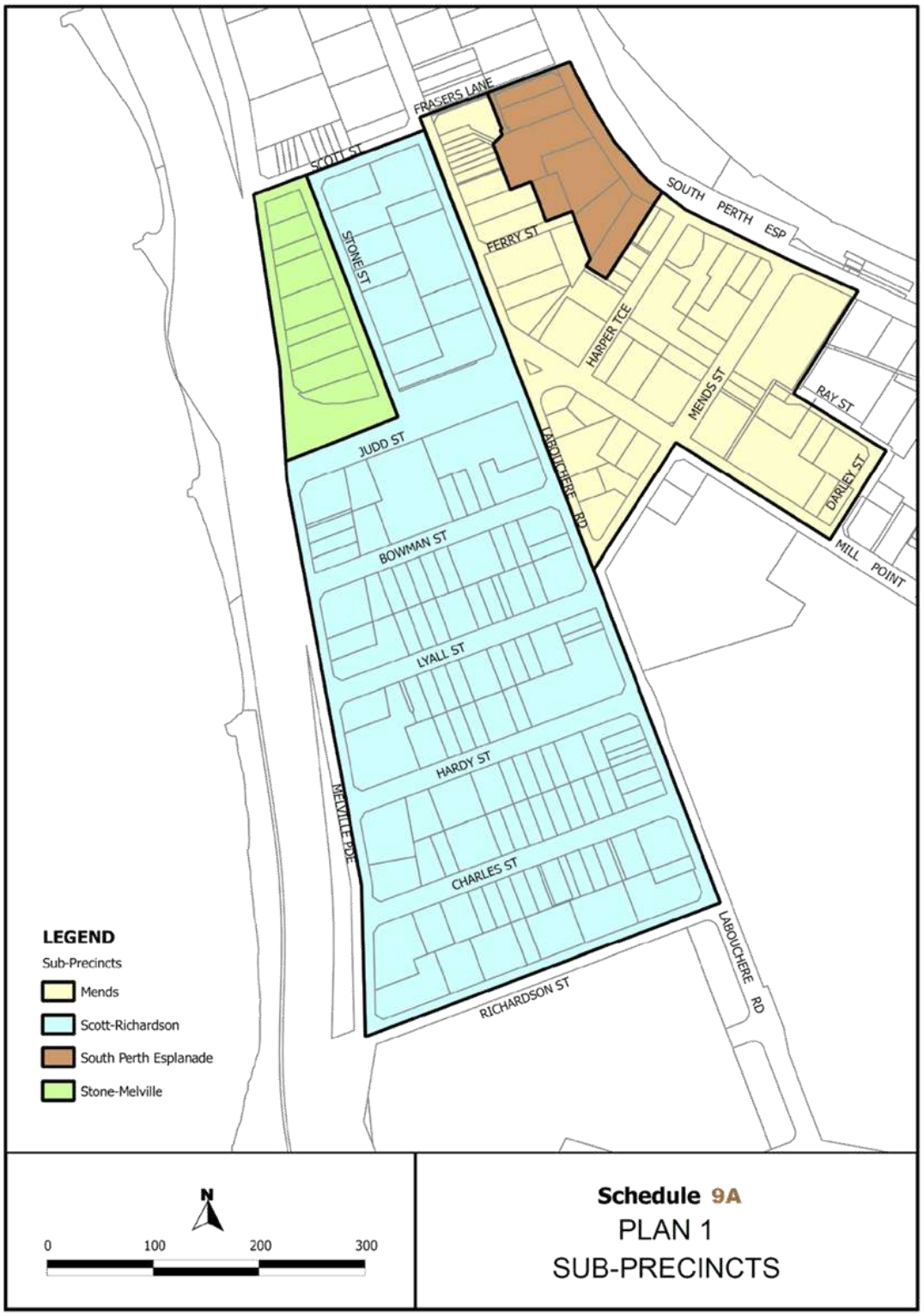
Table B: Performance Criteria for Special Design Area

Note: Refer to the Development Requirements and Guidance Statements for Element 6 'Special Design Area' within Table A: Development Controls for Comprehensive New Development.

Design Consideration	Performance Criteria
1. Minimum Lot Area and Frontage	The development site is to have a minimum area of 1,700 sq. metres and a minimum lot frontage of 25 metres unless the Council approves a minor variation where it is demonstrated that amalgamation with an adjoining site cannot reasonably be achieved due to the density, tenure and / or use of the adjoining sites.
2. Design Quality	The proposed development is of an exceptional architectural design quality as determined by Council.
3. Overshadowing	The proposed development has been designed with regard for solar access for neighbouring properties taking into account ground floor outdoor living areas, major openings to habitable rooms, solar collectors and balconies.
4. Dwelling Density and Type	Residential development must have a minimum residential density of 100 dwellings per gross hectare or provide a minimum of 20% single bedroom dwellings (rounded up to the next whole number of dwellings).
5. Vehicle Management	The applicant shall submit a traffic engineer's impact assessment report confirming that additional traffic and on-street parking demand resulting from the additional floor space produced by the variation of Elements 3 and 5 does not cause an unacceptable impact on the surrounding street network.
6. Car Parking	(a) The maximum permissible number of on-site parking bays for residential uses shall be as follows: (i) 1 car bay per dwelling for occupiers of Single Bedroom Dwellings and dwellings containing 2 bedrooms; (ii) 2 car bays per dwelling for occupiers of dwellings containing 3 or more bedrooms. (b) The development site shall not have car parking bays at the ground level within 10 metres of a road frontage, unless otherwise approved by the Council. (c) At least 60% of the primary street frontage is to be an active street frontage.
7. Additional Community Benefits and Sustainable Design Elements	**(1) For building height to a maximum of 30 metres above height limit shown on Plan 3 'Building Heights'** (a) all of the following are required: (i) High quality active street frontages, furniture and landscape features. (ii) Facilities accessible to the public such as landscaped spaces, podium level gardens or gymnasium equipment. (iii) Either view corridors or preservation of mid-winter sunlight to adjacent land or buildings, or both. (iv) At least a 5-star Green Star rating, or equivalent. PLUS (b) at least 3 of the following: (i) Improvements to pedestrian networks and public security. (ii) Community, communal or commercial meeting facilities including, but not limited to function rooms, lecture theatres and boardrooms. (iii) Charging station for electric cars within the development.

	(iv) Minimum of 20% of the residential units are to meet the Adaptable House Class C of Australian Standard AS 4299 (Adaptable Housing). (v) The ownership of a minimum of 5% of the residential units is to be transferred to a registered social housing organisation, to be managed as affordable housing through a program recognised by the Department of Housing, for at least 20 years from the date of occupation of the building. (vi) A green travel plan to be developed and implemented for the development. (vii) For use by visitors to the proposed building or to buildings on any other site, cyclists' end-of-trip facilities including secure bicycle storage facilities, change rooms, clothes lockers and showers.
	(2) For building height more than 30 metres above, to a maximum of 60 metres above height limit shown on Plan 3 'Building Heights' (a) all of the following are required: (i) High quality active street frontages, furniture and landscape features. (ii) Facilities accessible to the public such as landscaped spaces, podium level gardens or gymnasium equipment. (iii) Either view corridors or preservation of mid-winter sunlight to adjacent land or buildings, or both. (iv) At least a 5-star Green Star rating, or equivalent. (v) Charging station for electric cars within the development. (vi) A green travel plan to be developed and implemented for the development. PLUS (b) at least 3 of the following: (i) Improvements to pedestrian networks and public security. (ii) Community, communal or commercial meeting facilities including, but not limited to function rooms, lecture theatres and boardrooms. (iii) Minimum of 20% of the residential units are to meet the Adaptable House Class B of Australian Standard AS 4299 (Adaptable Housing). (iv) The ownership of a minimum of 5% of the residential units is to be transferred to a registered social housing organisation, to be managed as affordable housing through a program recognised by the Department of Housing, for at least 20 years from the date of occupation of the building. (v) For use by visitors to the proposed building or to buildings on any other site, cyclists' end-of-trip facilities including secure bicycle storage facilities, change rooms, clothes lockers and showers.

	(3) For building height more than 60 metres above height limit shown on Plan 3 'Building Heights' (a) all of the following are required: (i) High quality active street frontages, furniture and landscape features. (ii) Facilities accessible to the public such as landscaped spaces, podium level gardens or gymnasium equipment. (iii) Either view corridors or preservation of mid-winter sunlight to adjacent land or buildings, or both. (iv) 6-star Green Star rating, or equivalent. (v) Charging station for electric cars within the development. (vi) A green travel plan to be developed and implemented for the development. PLUS (b) at least 4 of the following: (i) Improvements to pedestrian networks and public security. (ii) Community, communal or commercial meeting facilities including, but not limited to function rooms, lecture theatres and boardrooms. (iii) Minimum of 20% of the residential units are to meet the Adaptable House Class B of Australian Standard AS 4299 (Adaptable Housing). (iv) The ownership of a minimum of 5% of the residential units is to be transferred to a registered social housing organisation, to be managed as affordable housing through a program recognised by the Department of Housing, for at least 20 years from the date of occupation of the building. (v) For use by visitors to the proposed building or to buildings on any other site, cyclists' end-of-trip facilities including secure bicycle storage facilities, change rooms, clothes lockers and showers.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HARDY ST
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CHARLES ST
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Sub-Precincts
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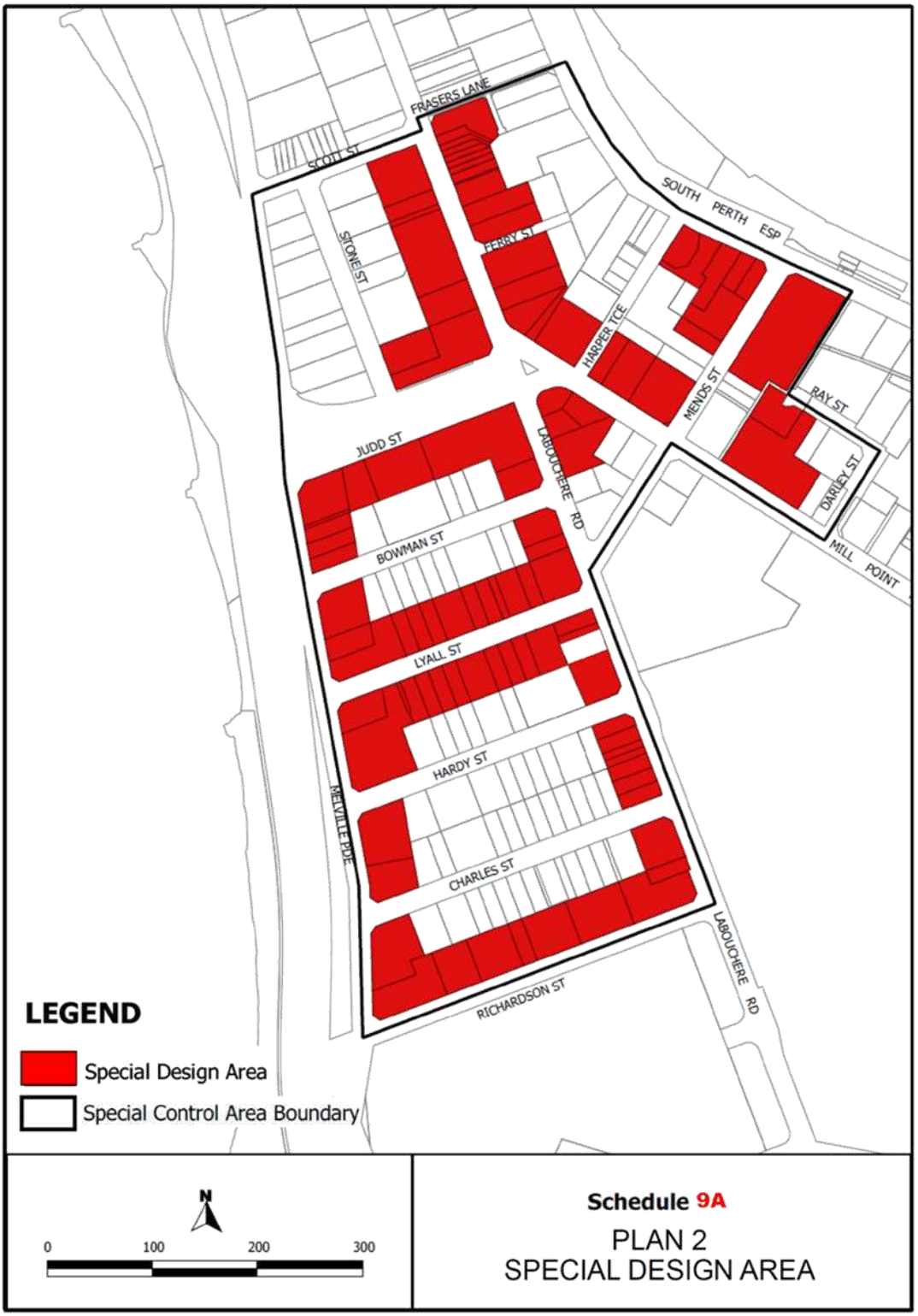
PLAN 1
SUB-PRECINCTS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CHARLES ST
RICHARDSON ST
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LEGEND
Special Design Area
Special Control Area Boundary
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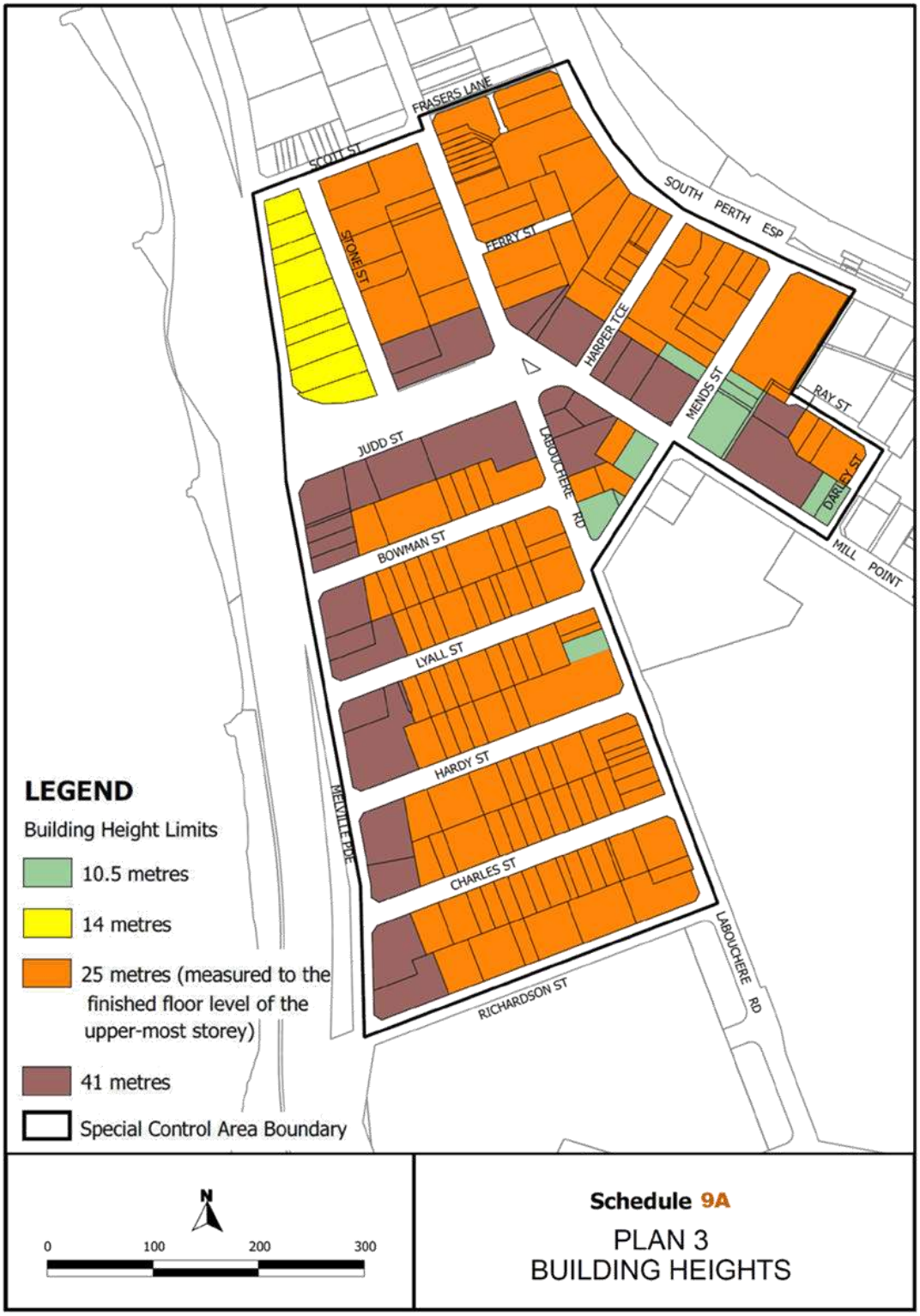
Schedule 9A
PLAN 2
SPECIAL DESIGN AREA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LABOUCHERE RD
BOWMAN ST
LYALL ST
HARDY ST
CHARLES ST
RICHARDSON ST
MELVILLE PDE
LEGEND
Building Height Limits
10.5 metres
14 metres
25 metres (measured to the finished floor level of the upper-most storey)
41 metres
Special Control Area Boundary
N
0
100
200
300
Schedule 9A
PLAN 3
BUILDING HEIGHTS

2. The following clauses are amended by deleting the term 'Schedule 9' and replacing it with the term 'Shedule 9A' wherever it occurs:

Clause 3.3 (9)
Clause 4.3 (1)(m) and (n)
Clause 4.7 (3)
Clause 5.1 (6)
Clause 5.2 (3)
Clause 5.3 (3)
Clause 6.1A (10)(b) and Note
Clause 6.3 (13)
Clause 6.3A (8)
Clause 6.4 (6)
Clause 7.8 (2)(d)
Clause 10.1 (1)(b)
Indexes of Schedules

Adoption

ADOPTED by resolution of the Council of the City of South Perth at the Ordinary Council Meeting held on 28 October 2014.

_____
SUE DOHERTY
MAYOR

_____
A C FREWING
CHIEF EXECUTIVE OFFICER

Final Approval

ADOPTED by resolution of the Council of the City of South Perth at the Ordinary Meeting of the Council held on ..... 2015 and the Seal of the City was hereunto affixed by the authority of a resolution of the Council in the presence of:

CITY OF SOUTH PERTH
SEAL

_____
SUE DOHERTY
MAYOR

_____
A C FREWING
CHIEF EXECUTIVE OFFICER

RECOMMENDED / SUBMITTED FOR FINAL APPROVAL:

_____
Delegated under S.16 of the PD Act 2005

Dated _____

FINAL APPROVAL GRANTED

_____
JOHN DAY
MINISTER FOR PLANNING

Dated _____

Attachment (c)

COUNCIL MODIFICATIONS
endorsed for readvertising
FROM: 3 NOVEMBER 2015 TO 15 JANUARY 2016

City of South Perth
Town Planning Scheme No. 6

Amendment No. 46

South Perth Station Precinct: Special Control Area SCA 1: Rectifying anomalies and ambiguities in Schedule 9 and strengthening criteria for building height variations

MODIFIED TEXT
endorsed at Special Council Meeting 27 October 2015 for readvertising

Civic Centre
Cnr Sandgate Street and South Terrace
SOUTH PERTH WA 6151

Monday to Friday:	8.30am to 5.00pm
Enquiries:	
Telephone:	9474 0777
Facsimile:	9474 2425
Email:	enquiries@southperth.wa.gov.au
Web:	www.southperth.wa.gov.au

S:\Planning Services\STRATEGIC PLANNING\AMENDMENTS to TPS6\Amd 46 re Schedule 9 SCA1\09F SECOND Report on Submissions. Major Mods to Amd 46\April 2016 documents\Attachment (c) Amd 46 modified text endorsed for re-advertising 27.10.2015.docx

NOTE:

Throughout this document, coloured lettering signifies the following:

Black lettering	Remnant text from the existing (Amendment No 25) Schedule 9 of TPS6
Red lettering	Amendment No. 46 text as originally advertised
Blue lettering	Officer's recommended proposed Amendment No. 46 text modifications after considering submissions received during original advertising of Amendment No. 46
Green lettering	Significant modifications to Amendment text endorsed at Special Council Meeting on 27 October 2015 for readvertising

Amendment text identifying significant modifications endorsed for readvertising

PLANNING AND DEVELOPMENT ACT 2005

Town Planning Scheme No. 6
Amendment No. 46

Modified by Council after considering submissions
Special Council Meeting 27 October 2015

The Council of the City of South Perth under the powers conferred upon it by the *Planning and Development Act 2005*, hereby amends the above local planning scheme as follows:

1. Clause 4.3 (1)(c) is amended by deleting the first word, 'The', and replacing it with the following words:

   "Other than in Special Control Area 1 'South Perth Station Precinct', the".

2. Schedule 9 is deleted and the following new Schedule 9A is inserted in its place:

"Schedule 9A

Special Control Area 1 –
South Perth Station Precinct

Refer to Clause 10.1

NOTES

NOTE ON SCHEDULE 9A :
Schedule 9A added by Amendment No. 46 (GG ….)
[Note added ….]

Provision 1 Objectives of Special Control Area 1

The objectives of the development controls for Special Control Area 1 – South Perth Station Precinct are to:

(a) promote more intensive commercial land use to support the increased residential population, provide greater employment self-sufficiency in the City and patronage for a future 'destination' rail station;

(b) create a precinct that offers commercial office space, cafés, restaurants, hotels and tourist accommodation;

(c) preserve portions of the precinct for predominantly residential, retail and office uses, as appropriate, by the creation of sub-precincts;

(d) create a high quality inner-city urban character;

(e) promote a high level of pedestrian amenity with active street frontages to create a liveable and accessible environment for visitors and residents;

Amendment text identifying significant modifications endorsed for readvertising

Schedule 9A – Special Control Area 1 – South Perth Station Precinct (cont'd)

NOTES

(f) allow buildings designed to maximise river and city views while maintaining view corridors;

(g) permit additional building height on the most prominent streets within the precinct in return for meeting certain performance criteria relating to exceptional quality architecture, sustainable design, and additional community benefits; and

(h) preserve and protect the integrity of heritage places within the precinct.

Provision 2 Land comprising Special Control Area 1

Special Control Area 1 – South Perth Station Precinct as delineated on the Scheme Map as SCA1, includes land adjacent to portions, or all, of the following streets: Bowman Street, Charles Street, Darley Street, Ferry Street, Frasers Lane, Hardy Street, Harper Terrace, Judd Street, Labouchere Road, Lyall Street, Melville Parade, Mends Street, Mill Point Road, Ray Street, Richardson Street, Scott Street, South Perth Esplanade, and Stone Street.

Provision 3 Operation of Schedule 9A

(1) Comprehensive new development within Special Control Area 1 – South Perth Station Precinct shall comply with the development requirements in the first column of Table A of this Schedule. No variation from those requirements is permissible unless the provisions of a particular development requirement provide Council with a discretionary power to approve a variation from that requirement.

(2) The guidance statements in the second column of Table A explain the rationale for the development requirements in the first column; and guide the Council in the exercise of discretion, where applicable, when considering applications for planning approval for comprehensive new development.

(3) In cases where the Council has discretionary power to approve a proposed variation from a particular development requirement in Table A, approval shall not be granted unless the proposed comprehensive new development satisfies the related guidance statements.

(4) On sites within the Special Design Area where approval is sought for variations from Development Requirement 5.1, approval shall not be granted unless the proposed comprehensive new development satisfies the related guidance statements and also complies with all Performance Criteria in Table B.

(5) Within Special Control Area 1 – South Perth Station Precinct:

(a) the provisions of this Schedule do not apply to development in the form of alterations or additions of the following kinds:

(i) additional habitable floor area which does not add new dwellings or provide space capable of accommodating additional people working in the non-residential portion of a building;

Amendment text identifying significant modifications endorsed for readvertising

NOTES

(ii) renovations or repairs which do not increase the plot ratio area of the building;

(iii) a non-habitable outbuilding;

(iv) an open-sided addition;

(v) any other non-habitable addition;

(vi) modifications to the façade; or

(vii) change of use.

(b) For alterations or additions of the kinds referred to in paragraph (a) there is no maximum plot ratio within Special Control Area 1 – South Perth Station Precinct, but such alterations or additions are subject to all other relevant provisions of this Scheme.

Provision 4 Definitions

In this Schedule:

NOTE ON PROVISION 4 'DEFINITIONS' :
Refer to Schedule 1 for definition of ***'comprehensive new development'.***

'active street frontage' means a street frontage on the ground floor of a building that enables direct visual and physical contact between the street and the interior of the building to ensure casual surveillance of the public domain. Clearly defined entrances, windows and shop fronts are elements of the building façade that contribute to an active street frontage.

'discretionary land use' means a use which the Council may approve in the Sub-Precinct in which the use is proposed if it is satisfied that the use would not detract from the amenity of the Sub-Precinct and would satisfy the Sub-Precinct Guidance Statements for Elements 1 and 2 in Table A.

'heritage place' has the same meaning as the term 'place' in the *Heritage of Western Australia Act 1990.*

'podium' means the lower levels of a building, which are to have lesser setbacks than the upper levels as detailed in Element 7 and Element 8 of Table A of this Schedule.

'preferred land use' means a Use that is permitted in a Sub-Precinct where the Use is indicated in Elements 1 and 2 in Table A as being a preferred land use.

'significant view' means a panorama or a narrower vista seen from a given vantage point, not obtainable from the majority of residential properties within the City. Examples of a 'significant view' include views of the Perth City skyline, the Swan River, suburban townscape, parkland or treescape.

'Small Shop' means a shop with a gross floor area not exceeding 250 square metres. The term does not include a supermarket or department store.

'Special Design Area' means the area identified as a special design area on Plan 2 - Special Design Area forming part of this Schedule.

Amendment text identifying significant modifications endorsed for readvertising

Schedule 9A – Special Control Area 1 – South Perth Station Precinct (cont'd)

Table A: Development Requirements for Comprehensive New Development

Development Requirements	Guidance Statements
Element 1: Land Uses – Preferred and Discretionary	
1.1 Mends Sub-Precinct 1.1.1 *Preferred land uses:* Cafe/Restaurant, Cinema/Theatre, Convenience Store, Hotel, Mixed Development, Office, Service Industry, Shop, Small Shop, Tourist Accommodation; Aged or Dependent Persons' Dwelling, Grouped Dwelling, Multiple Dwelling, Residential Building and Single Bedroom Dwelling. 1.1.2 *Discretionary land uses:* Child Day Care Centre, community exhibition gallery, Consulting Rooms, Educational Establishments and Public Parking Station. **1.2 Scott-Richardson Sub-Precinct** 1.2.1 *Preferred land uses:* Café/Restaurant, Mixed Development, Office, Service Industry, Take-Away Food Outlet, Tourist Accommodation, Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons' Dwelling and Residential Building. 1.2.2 *Discretionary land uses:* Child Day Care Centre, Civic Use, community exhibition gallery, Consulting Rooms, Educational Establishment, Hotel, Public Parking Station, Reception Centre and Small Shop. **1.3 South Perth Esplanade Sub-Precinct** *Preferred land uses:* Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons' Dwelling, Residential Building and Tourist Accommodation. **1.4 Stone-Melville Sub-Precinct** 1.4.1 *Preferred land uses:* Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons' Dwelling, Residential Building; 1.4.2 *Discretionary land uses:* Café/Restaurant, Consulting Rooms, Local Shop, Mixed Development and Tourist Accommodation. **1.5 Uses not listed** Any use not listed in Development Requirements 1.1, 1.2, 1.3 and 1.4 is not permitted unless the use satisfies Element 1 Guidance Statements (a) and (b) and the related Guidance Statements for the relevant sub-precincts.	(a) It is intended that the South Perth Station Precinct is to consolidate its role as an employment destination. (b) In the Mends and Scott-Richardson Sub-Precincts, non-residential uses should predominantly comprise offices, shops and other commercial land uses, Educational Establishments and tourist-oriented development. Inclusion of child care facilities and community art or exhibition galleries within some developments would be beneficial for both residents and employees. **(c) Mends Sub-Precinct** For the Mends Sub-Precinct, shops and other commercial uses are encouraged to retain Mends Street's traditional function as the main retail area in South Perth. Land uses with higher intensity visitation should be located on the ground floor, with non-residential land uses encouraged on the lower floors and residential on the upper floors. **(d) Scott-Richardson Sub-Precinct** For the Scott-Richardson Sub-Precinct the traditional Office and small scale shops and other commercial uses are encouraged on the ground and lower floors with residential on the upper floors. **(e) South Perth Esplanade Sub-Precinct** For the South Perth Esplanade Sub-Precinct, land uses which preserve a residential character are encouraged. **(f) Stone-Melville Sub-Precinct** For the Stone-Melville Sub-Precinct, land uses which preserve a residential character are encouraged, with limited commercial development.

Amendment text identifying significant modifications endorsed for readvertising

Schedule 9A – Special Control Area 1 – South Perth Station Precinct
Table A: Development Requirements for Comprehensive New Development (cont'd)

Development Requirements	Guidance Statements
1.6 Interaction of Elements 1 and 2 With respect to ground floor uses, the provisions of 'Element 2 Ground Floor Uses' will prevail over the provisions of 'Element 1 Land Use' in the event of any inconsistency.	
Element 2: Ground Floor Land Uses – Preferred and Discretionary	
2.1 Mends Sub-Precinct 2.1.1 No residential dwellings are permitted on the ground floor. 2.1.2 *Preferred ground floor land uses:* Cafe/Restaurant, Convenience Store, Hotel, Office, Service Industry, Shop, Small Shop, and Tourist Accommodation. 2.1.3 *Discretionary ground floor land uses:* Child Day Care Centre, community exhibition gallery, Consulting Rooms, Educational Establishment. **2.2 Scott-Richardson Sub-Precinct** 2.2.1 No residential dwellings are permitted on the ground floor. 2.2.2 *Preferred ground floor land uses:* Café/Restaurant, Office, Service Industry, Small Shop and Take-Away Food Outlet. 2.2.3 *Discretionary ground floor land uses:* Child Day Care Centre, community exhibition gallery, Consulting Rooms, Educational Establishment. **2.3 South Perth Esplanade Sub-Precinct** *Preferred ground floor land uses:* Grouped Dwelling, Multiple Dwelling, Aged or Dependent Persons' Dwelling, Single Bedroom Dwelling, Residential Building and Tourist Accommodation. **2.4 Stone-Melville Sub-Precinct** *Preferred ground floor land uses:* Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons' Dwelling, Residential Building, Café/Restaurant, Consulting Rooms, Local Shop, Mixed Development, and Tourist Accommodation. **2.5 Uses not listed** Any land use not listed in Development Requirements 2.1, 2.2, 2.3 and 2.4 is not permitted unless the use satisfies Element 2 Guidance Statements (a) and (b).	(a) The ground floors of buildings are the most important in engendering interaction between the public and private realms. As such, for the Mends and Scott-Richardson Sub-Precincts, non-residential uses are expected at the ground floor level to enhance the public / private interface. (b) Within Element 2 'Ground Floor Land Uses', the sole purpose of designating uses as either 'preferred' or 'discretionary' is to indicate their appropriateness for location on the ground floor of a building. This does not indicate their appropriateness within a particular Sub-Precinct. (To determine whether a land use is 'preferred' or 'discretionary' within a particular Sub-Precinct, refer to Element 1.)

Amendment text identifying significant modifications endorsed for readvertising

Schedule 9A – Special Control Area 1 – South Perth Station Precinct
Table A: Development Requirements for Comprehensive New Development (cont'd)

Development Requirements	Guidance Statements
Element 3: Plot Ratio and Land Use Proportions	
3.1 There is no maximum plot ratio for any comprehensive new development within Special Control Area 1 – South Perth Station Precinct. 3.2 Within the Scott-Richardson Sub-Precinct and the Mends Sub-Precinct, all comprehensive new development shall have a non-residential component with a minimum plot ratio of 1.5. 3.3 In the Scott-Richardson Sub-Precinct and the Mends Sub-Precinct, where the total plot ratio of a Mixed Development is 3.0 or less, the plot ratio of the residential component shall not exceed 1.5. 3.4 In the Scott-Richardson Sub-Precinct and the Mends Sub-Precinct, on sites which are not in the Special Design Area, where the total plot ratio of a Mixed Development is more than 3.0, there is no maximum plot ratio for the residential component. 3.5 The provisions of the Codes relating to dwelling size in activity centres shall apply. 3.6 For comprehensive new development that includes residential dwellings, the provisions of the Codes relating to 'Utilities and Facilities' in activity centres shall apply. 3.7 **South Perth Esplanade and Stone-Melville Sub-Precincts** Development Requirements 3.2, 3.3 and 3.4 do not apply to the South Perth Esplanade Sub-Precinct and the Stone-Melville Sub-Precinct.	(a) The provisions relating to land use proportions are designed to ensure that any comprehensive new development in the Scott-Richardson and Mends Sub-Precincts will make a significant contribution towards consolidation of the South Perth Station Precinct as an employment destination. (b) To meet potential occupiers' diverse needs, all comprehensive new developments that include a residential component should provide a diversity of dwelling sizes and number of bedrooms, including Single Bedroom Dwellings. (c) For residential dwellings, storerooms, rubbish collection and clothes drying areas should be provided.
Element 4: Podium Height	
4.1 The podium height shall be 9 metres minimum and 13.5 metres maximum. 4.2 For properties that contain or abut a heritage place, the podium height shall be a minimum of 7 metres and a maximum of 10.5 metres unless otherwise approved by the Council after giving due consideration to Element 13 of Table A of this Schedule. 4.3 On a corner site, in order to accommodate an architectural design feature, the Council may permit a variation from the maximum podium height prescribed in Development Requirement 4.1 where the podium satisfies Element 4 Guidance Statements (a) and (b).	(a) The scale of the podium is an important contributory factor to the character and perceived integrity of the street. (b) Corner podium with architectural design features is encouraged.

Amendment text identifying significant modifications endorsed for readvertising

Schedule 9A – Special Control Area 1 – South Perth Station Precinct
Table A: Development Requirements for Comprehensive New Development (cont'd)

Development Requirements	Guidance Statements
Element 5: Building Height	
5.1 With the exception of any variations that the Council may approve under Element 6 'Special Design Area', comprehensive new development shall comply with the building height limits shown on Plan 3 'Building Heights'.	(a) In general, the building height limits shown on Plan 3 'Building Heights', coupled with unlimited total plot ratio, will facilitate achievement of the desired character of the South Perth Station Precinct as an urban place with a dynamic and vibrant inner-city atmosphere. (b) Within the Special Design Area comprising sites fronting the more prominent streets, it is appropriate to allow higher buildings provided the performance criteria in Table B are met.
Element 6: Special Design Area	
6.1 In the case of a comprehensive new development in the Special Design Area with a plot ratio of more than 3.0, the Council may, subject to all of the provisions of Element 6, approve a variation from the Building Height Limits shown on Plan 3, provided that: (a) the development site has an area of not less than 1,700 sq. metres and a frontage of not less than 25 metres; or (b) where it is demonstrated that the development site cannot reasonably be amalgamated with any adjoining land in the Special Design Area due to the scale of development on, or form of tenure, or use of the adjoining land, the development site has both an area of not less than 1,530 sq. metres and a frontage of not less than 22.5 metres. 6.2 On land in the Special Design Area, where comprehensive new development has a plot ratio of more than 3.0 and satisfies: (a) Development Requirement 6.1(a) or 6.1(b); and (b) all Performance Criteria in Table B for Design Considerations 1 to 7 inclusive; the Council may approve a variation above the height limit applicable to the development site as shown on Plan 3. In such a case, the maximum permissible building height is determined by satisfaction of the minimum number of Table B Performance Criteria for Design Consideration 8 specified below: (i) Where Plan 3 shows a Building Height Limit of 25 metres – (A) 5 Performance Criteria : 35 metres; or (B) 7 Performance Criteria : 40 metres; or (C) 9 Performance Criteria : 55 metres. (ii) Where Plan 3 shows a Building Height Limit of 41 metres – (A) 5 Performance Criteria : 50 metres; or (B) 7 Performance Criteria : 60 metres; or (C) 9 Performance Criteria : 80 metres.	(a) The lots comprising the Special Design Area have been included in this area because they front onto streets which have a high degree of visibility, either by virtue of their open aspect or proximity to high volumes of vehicle or pedestrian traffic. These streets offer the potential for higher buildings with a stronger visual presence than buildings in other streets. In return for this greater development potential, buildings need to demonstrate exceptional design quality, and meet a range of other performance criteria. (b) Table B contains a range of performance criteria aimed at promoting energy-efficient developments of exceptional, sensitive and sophisticated design quality and offering additional occupier and community benefits, among other design considerations. Subject to satisfying all of the Performance Criteria, on sites of sufficient area and frontage in the Special Design Area building height variations may be allowed to the limits specified in the development requirements. (c) For a site to be eligible for approval of a building height variation, a minimum lot area and frontage is prescribed. However, where under-sized lots cannot be amalgamated with adjoining lots in order to achieve the prescribed minimum area and frontage, a 10% deficiency is allowed.

Amendment text identifying significant modifications endorsed for readvertising

Schedule 9A – Special Control Area 1 – South Perth Station Precinct
Table A: Development Requirements for Comprehensive New Development (cont'd)

Development Requirements	Guidance Statements
6.3 For the purpose of a building height variation under Development Requirement 6.2, in every case, the height of the proposed building shall be measured in the manner prescribed in clause 6.1A(3) of the Scheme. 6.4 Where a variation from a Building Height Limit shown on Plan 3 is sought under Development Requirements 6.1 and 6.2, the applicant shall submit as part of the application for planning approval, a report demonstrating how the development satisfies the Performance Criteria in Table B. 6.5 For the avoidance of doubt, the maximum building heights referred to in Development Requirements 6.1 and 6.2 are not subject to variation and may not be exceeded in any circumstance whatsoever.	
Element 7: Relationship to the Street	
7.1 The street setbacks apply to both residential and non-residential components of buildings. 7.2 Subject to Development Requirement 7.5.1, with the exception of comprehensive new development on sites fronting the streets referred to in Development Requirements 7.3 and 7.4, all comprehensive new development shall incorporate a podium with a nil street setback. For comprehensive new development on sites fronting the streets referred to in Development Requirements 7.3 and 7.4, inclusion of a podium is optional. 7.3 For properties abutting the following streets, the street setback for any part of the building including the podium, if any, shall be not less than 4 metres: (a) Bowman Street, except those lots in the Special Design Area; (b) Charles Street, except those lots in the Special Design Area; (c) Darley Street; (d) Ferry Street; (e) Frasers Lane; (f) Hardy Street, except those lots in the Special Design Area; (g) Judd Street, north side; (h) Melville Parade, north of Judd Street; (i) Mill Point Road, west side between Judd Street and Scott Street; and east side between Harper Terrace and Frasers Lane; (j) Ray Street; (k) Scott Street; and (l) Stone Street. **7.4 South Perth Esplanade Sub-Precinct** 7.4.1 For any part of the building including the podium, if any, the setback from South Perth Esplanade shall be not less than 6 metres.	(a) With the exception of sites fronting on to the streets listed in Development Requirements 7.3 and 7.4, to achieve a high degree of continuity of the street edge, the major portion of the width of the street façade of the podium should normally abut the street boundary, with the levels above the podium being set back in accordance with Element 8 'Side and Rear Setbacks'. However, the Council may approve a lesser portion of the street frontage having a zero street setback if design techniques are employed which visually maintain the continuity of the street edge. (b) It is intended that the streets listed in Development Requirements 7.3 and 7.4 will retain a different character from other streets in the Precinct for various reasons, including being on the perimeter and facing developments with required significant street setbacks, being of narrow width, or containing significant street trees. (c) Ground floor commercial tenancies adjacent to any street should maximize active street frontages and provide a public entrance directly accessible from the street. (d) The extent of blank or solid wall at ground level adjacent to the street should be minimised.

Amendment text identifying significant modifications endorsed for readvertising

Schedule 9A – Special Control Area 1 – South Perth Station Precinct
Table A: Development Requirements for Comprehensive New Development (cont'd)

Development Requirements	Guidance Statements
7.5 Scott-Richardson and Mends Sub-Precincts 7.5.1 The following requirements apply unless otherwise approved where the proposed comprehensive new development satisfies the applicable Guidance Statements: (a) For properties in all streets not referred to in Development Requirements 7.3 and 7.4.1, the street setback to the podium shall be zero for a minimum of 60% of the street frontage, unless the development satisfies Element 7 Guidance Statement (a). (b) Ground floor street façades shall comprise at least one pedestrian entrance and a minimum of 60% clear glass with a maximum sill height of 450mm above the adjacent footpath level. No obscure screening is permitted higher than 1.2 metres above the adjacent footpath level, unless the development satisfies Element 7 Guidance Statements (c), (d), (e) and (f). (c) Portions of ground floor street façades with no openings shall not exceed 5 metres in length, unless the development satisfies Element 7 Guidance Statements (c), (d), (e) and (f). 7.5.2 For the portion of the building above the podium, the setback from the street to the main external wall of a building shall be a minimum of 4.0 metres. 7.5.3 The Council may grant approval for cantilevered balconies or decorative elements to be set back a minimum of 3.0 metres from the street boundary of the development site, provided that: (a) strong visual differentiation is maintained between the podium and the portion of the building above it; (b) the perceived scale of the building does not dominate public space; (c) the projecting elements have sufficient design merit and visual interest; and (d) solar access to the public footpath is not adversely affected. 7.5.4 The design of the building is to demonstrate that the podium and the portion of the building above it are visually compatible in terms of construction materials and design features.	(e) Deep and poorly illuminated recesses are to be avoided at ground level adjacent to pedestrian paths. (f) Where cafés or restaurants are proposed, alfresco dining is encouraged.

Amendment text identifying significant modifications endorsed for readvertising

Schedule 9A – Special Control Area 1 – South Perth Station Precinct
Table A: Development Requirements for Comprehensive New Development (cont'd)

Development Requirements	Guidance Statements
Element 8: Side and Rear Setbacks	
8.1 Subject to Development Requirement 8.4, for both residential and non-residential components of a building, podium walls shall have a zero setback from side boundaries. The Council may approve a greater setback where the comprehensive new development satisfies Element 8 Guidance Statement (a). 8.2 Subject to Development Requirement 8.4, for both residential and non-residential components of a building, podium walls may have a zero setback from the rear boundary. 8.3 Subject to Development Requirement 8.4, for the portion of a building above the podium, or where there is no podium on sites fronting streets referred to in Development Requirement 7.3 of Element 7, the setbacks from side and rear boundaries shall be: (a) For non-residential components: 3 metres minimum. (b) For residential components: Not less than the setbacks prescribed in Table 5 of the Codes which shall apply to both side and rear boundaries. 8.4 In the case of comprehensive new development on a site comprising or adjoining a heritage place, the minimum setbacks from the side and rear boundaries shall be as determined by the Council. The Council may require greater setbacks than those specified in Development Requirement 8.2, having regard to the preservation of the visual significance and integrity of the heritage place.	(a) The podium levels of buildings will normally be required to have zero side setback to ensure a high degree of continuity of the street edge. However, the Council may approve a greater side setback if such setback is: (i) integrated with an open forecourt or alfresco area, or the like, which is visible from the street; or (ii) concealed from view from the street by a portion of the podium which has a zero side setback. (b) The portion of a building above the podium is required to be set back from side and rear boundaries to allow light and solar penetration between buildings. (c) Any building constructed on a site adjoining a heritage place must preserve the visual significance and integrity of the heritage place. To contribute to the achievement of this objective, the new building may need to be set back a greater distance from the side or rear boundaries of the development site.
Element 9: Parking	
9.1 Subject to Development Requirement 9.2, the minimum required on-site parking bays shall be as follows: (a) For residential uses – (i) 0.75 car bays per dwelling for occupiers of Single Bedroom Dwellings; (ii) 1 car bay per dwelling for occupiers of dwellings other than Single Bedroom Dwellings; (iii) 1 additional car bay per 6 dwellings for visitors; (iv) in addition to the required car bays, 1 bicycle bay per 3 dwellings; and 1 bicycle bay per 10 dwellings for visitors, designed in accordance with AS2890.3 (as amended).	(a) In an urban area with excellent public transport and a highly walkable environment, there is a strong rationale not to apply the high levels of parking provision associated with suburban environments. (b) Having regard to the reduced parking requirements within the South Perth Station Precinct, no parking concessions are allowed except where a proposed comprehensive new development includes more than one non-residential use and those uses have different periods of peak parking demand. (c) On-site visitor parking bays need to be provided in a conveniently accessible location without obstructing entry to, or egress from, occupiers' parking bays.

Amendment text identifying significant modifications endorsed for readvertising

Schedule 9A – Special Control Area 1 – South Perth Station Precinct
Table A: Development Requirements for Comprehensive New Development (cont'd)

Development Requirements	Guidance Statements
(b) For non-residential Uses – (i) 0.5 car bays per Tourist Accommodation suite; (ii) 1 car bay per 50 square metres of gross floor area for uses other than Tourist Accommodation; (iii) 10%, or 2, of the total number of required car bays, whichever is the greater, marked for the exclusive use of visitors; (iv) in addition to the required car bays, for staff use, 1 bicycle bay per 200 square metres of gross floor area designed in accordance with AS2890.3 (as amended); together with 1 secure clothes locker per bay; and 1 male and 1 female shower per 10 bays. 9.2 Notwithstanding Development Requirement 9.1 (b), for comprehensive new development consisting only of 2 or more non-residential uses, the Council may approve a lesser number of car or bicycle bays where it is demonstrated that the proposed number of bays is sufficient, having regard to different periods of peak parking demand for proposed non-residential land uses on the development site. 9.3 All visitor parking bays shall be: (a) marked and clearly signposted as dedicated for visitor use only; (b) connected to an accessible path of travel for people with disabilities. 9.4 Subject to Development Requirement 9.5, all visitor parking bays shall be located close to, or visible from, the point of vehicular entry to the development site and outside any security barrier. 9.5 Notwithstanding Development Requirement 9.4, visitor parking bays may be placed: (a) elsewhere on the development site if the proposed location of those bays would be more convenient for visitors; and (b) inside a security barrier where: (i) two of the visitor bays are provided outside the security barrier unless otherwise approved where Guidance Statement (c) is satisfied; and (ii) visitors have convenient access to an electronic communication system linked to each occupier of the building. 9.6 Other than parking bays for visitors or commercial deliveries, all car bays are to be provided in a basement, or within the building behind residential or non-residential floor space, or outside the building provided that such bays are concealed from view from the street.	

Amendment text identifying significant modifications endorsed for readvertising

Schedule 9A – Special Control Area 1 – South Perth Station Precinct
Table A: Development Requirements for Comprehensive New Development (cont'd)

Development Requirements	Guidance Statements
Element 10: Canopies	
10.1 Where a building abuts the street boundary, a canopy with a projection depth of 2.5 metres shall be provided over the street footpath.	(a) Where a building abuts the street boundary, a canopy should be provided that extends sufficiently over the footpath to provide a reasonable degree of shade and shelter to pedestrians.
Element 11: Vehicle Crossovers	
11.1 Only one vehicle crossover per lot per street is permitted. 11.2 Two-way crossovers to a maximum width of 6 metres are permitted for parking areas containing 30 car bays and parking areas predominantly providing for short-term parking. 11.3 For comprehensive new development that includes residential dwellings, the provisions of the Codes relating to sight lines at vehicle access points and street corners in activity centres shall apply. **11.4 Mends Sub-Precinct** For the Mends Sub-Precinct, the above requirements for vehicle crossovers shall apply except in the following circumstances: (a) where appropriate alternative vehicle access is available from a rear lane or other right of way, no vehicle access from the primary or secondary street is permitted; and (b) where appropriate alternative vehicle access is available from another street, no vehicle access from Mends Street is permitted.	(a) The quality of the pedestrian experience should take precedence over the quality of the driver's experience by minimising the number of vehicle/ pedestrian conflict points, in order to create a safer and more attractive pedestrian environment. (b) Shared crossovers are strongly encouraged.
Element 12: Landscaping and Outdoor Living Areas	
12.1 Where landscaping is proposed, a landscaping plan satisfying Guidance Statement (a) shall be submitted as part of the application for planning approval. 12.2 For comprehensive new development that includes residential dwellings, the provisions of the Codes relating to outdoor living areas in activity centres shall apply. 12.3 All residential dwellings shall be provided with a balcony or equivalent outdoor living area with a minimum area of 10 sq. metres and a minimum dimension of 2.4 metres, accessed directly from a habitable room.	(a) Where a street setback is provided, landscaping in the setback area should be based on water-sensitive design principles, minimise water consumption and maximise retention and re-use of water and have due consideration to Element 14 'Designing Out Crime'.

Amendment text identifying significant modifications endorsed for readvertising

Schedule 9A – Special Control Area 1 – South Perth Station Precinct
Table A: Development Requirements for Comprehensive New Development (cont'd)

Development Requirements	Guidance Statements
Element 13: Heritage	
13.1 In the case of a comprehensive new development involving additions or alterations to a heritage place, or on a site containing or adjoining a heritage place, the application for planning approval shall be accompanied by a heritage impact statement justifying the appropriateness of the built form of the comprehensive new development, including specific reference to the impact of the proposed podium height and overall building height. 13.2 In the case of a comprehensive new development involving additions or alterations to a heritage place, the proposed development shall retain, re-use and maintain the integrity of the existing heritage place. 13.3 The siting and design of any building on a site adjoining a heritage place shall respect the visual significance and integrity and not overwhelm or adversely affect the heritage place having regard to the design, size, scale, setbacks and proportion of the proposed building, particularly as viewed from the street.	(a) The precinct contains a number of places which are recognised for their heritage value. The streetscape character in the near vicinity is influenced by the scale and form of these heritage places. (b) Any development on a site containing or adjoining a heritage place should respect the scale of that heritage place, particularly as viewed from the street. (c) Any new development on or adjoining a site containing a heritage place should be located so as to ensure that the character of the heritage place is not adversely affected. (d) New development should be complementary to and supportive of the heritage places without copying or mimicking them.
Element 14: Designing Out Crime	
14.1 Primary pedestrian access points shall be visible from buildings and the street. 14.2 Comprehensive new developments shall, when relevant, incorporate illumination in accordance with the following Australian Standards: (a) AS 1680 regarding safe movement; (b) AS 1158 regarding lighting of roads and public spaces; and (c) AS 4282 Control of obtrusive effects of outdoor lighting. 14.3 Storage areas shall be sited in a location that will not facilitate access to upper level windows and balconies. 14.4 Public and Private areas shall be differentiated by the use of differing materials. 14.5 Any fence on the perimeter of the public realm shall be: (a) no higher than 0.9 metres; or (b) no higher than 1.5 metres provided that the portion above 0.9 metres comprises open grille panels between piers with the solid portions comprising not more than 20% of its face in aggregate. 14.6 Security grilles and other security devices that have potential to adversely affect the streetscape are not permitted unless the device satisfies Guidance Statement (a).	(a) Design should, as far as practicable, enhance natural surveillance, natural access control and territorial reinforcement. (b) The design of comprehensive new developments should avoid creation of areas of entrapment in recesses, alleyways or other areas providing no alternative means of escape.

Amendment text identifying significant modifications endorsed for readvertising

Schedule 9A – Special Control Area 1 – South Perth Station Precinct
Table A: Development Requirements for Comprehensive New Development (cont'd)

Development Requirements	Guidance Statements
Element 15: Road and Rail Transport Noise	
15.1 On sites having a frontage to Melville Parade or other streets as determined by the Council, in the case of an application for planning approval for comprehensive new development containing noise sensitive land uses: (a) a noise assessment shall be undertaken and the findings shall be submitted to the Council with the application; (b) if required by Council, the application shall include a noise management plan; (c) the noise assessment and noise management plan shall be prepared in accordance with Western Australian Planning Commission's State Planning Policy 5.4 *'Road and Rail Transport Noise and Freight Consideration in Land Use Planning'*; (d) where noise limits referred to in State Planning Policy 5.4 are likely to be exceeded, the solution identified in the noise management plan shall be detailed and justified.	(a) Comprehensive new development in proximity to the Kwinana Freeway should be designed having regard to noise mitigation measures.

Amendment text identifying significant modifications endorsed for readvertising

Schedule 9A – Special Control Area 1 – South Perth Station Precinct

Table B: Performance Criteria for Special Design Area

Note: Refer to the Development Requirements and Guidance Statements for Element 6 'Special Design Area' within Table A: 'Development Requirements for Comprehensive New Development'.

Design Consideration	Performance Criteria
1. Design Quality	The architectural design, in the opinion of the Council, is exceptional, sensitive and sophisticated, contributing to the quality of the inner urban environment being promoted within the Precinct. In arriving at an opinion, the Council shall consider the following: (a) The visual appearance of the podium façade and the extent to which it engages with the street, during both daytime and night time hours. (b) The visual presentation of all elevations of the portion of the building above the podium. (c) Integration of any proposed artwork with the design of the building as a whole. (d) The contribution of the external materials and finishes to the overall design quality of the building.
2. Overshadowing	Shadow diagrams at noon on 21 June, are to be submitted demonstrating that the shadow cast by the portion of the proposed building above the Building Height Limit, does not cover more than 80 percent of any adjoining lot.
3. Vehicle Management	A traffic engineer is to conduct a study of the additional traffic resulting from a building height variation above the height limit shown on Plan 3 'Building Heights' in Schedule 9A. The study is to assess the impact on traffic flow and safety, taking into account the cumulative effect of additional floor space above the Building Height Limit in: (a) the proposed building; and (b) all other buildings in SCA1 for which a building height variation has been granted, and a building permit has been issued, whether or not construction has been completed. A report on the findings of the traffic study is to be submitted with the development application verifying, to the satisfaction of the Council, that the cumulative increase in traffic resulting from the increased building height relating to buildings referred to in paragraphs (a) and (b) will not have significant adverse impacts on traffic flow and safety.
4. Car Parking	The maximum permissible number of on-site parking bays for residential uses is as follows: (a) 1 car bay per dwelling for occupiers of 1 and 2 bedroom dwellings; (b) 2 car bays per dwelling for occupiers of dwellings containing 3 or more bedrooms.
5. Energy-Efficiency	In order to maximise energy-efficiency, the building is to be designed to achieve a 5-star rating under the relevant Green Star rating tool, or equivalent.
6. Electric Car Charging Station	An electric car charging station with capacity to recharge 6 vehicles simultaneously.
7. Landscaped Area	Landscaped area comprising not less than 40% of the area of the development site. Components of the landscaped area may include ground level landscaping, planting on walls, landscaping on the roof of the podium, rooftop terraces or gardens.

Amendment text identifying significant modifications endorsed for readvertising

Schedule 9A – Special Control Area 1 – South Perth Station Precinct
Table B: Performance Criteria for Special Design Area (cont'd)

Design Consideration	Performance Criteria
8. Benefits for Occupiers and Local and Wider Communities	***Note: Refer to Element 6 of Table A to identify the minimum number of Design Consideration 8 Performance Criteria which must be met according to the extent of building height variation sought by an applicant.*** **Occupier Benefits** (a) Each dwelling incorporates at least one balcony with a minimum floor area of 15 sq. metres and a minimum dimension of 3.0 metres not including any planter box constructed as part of the balcony, and at least 50% of dwellings having access to at least 2 hours of sunlight on 21 June. (b) A minimum of 10% of the residential units, rounded up to the next whole number of dwellings, are to have an internal floor area of 200 sq. metres or more. (c) A minimum of 20% of the total number of dwellings, rounded up to the next whole number of dwellings, are to be allocated parking bays measuring 6.0 metres x 3.8 metres and those dwellings are to incorporate the following core elements, designed to the 'Silver Level' of the *'Livable Housing Design Guidelines'* produced by Livable Housing Australia: (i) a safe, continuous and step-free path of travel from the street entrance and / or parking area to a dwelling entrance that is level; (ii) at least one step-free, level entrance into the dwelling; (iii) internal doors and corridors that facilitate unimpeded movement between spaces; (iv) a toilet on the ground or entry level that provides easy access; (v) a bathroom which contains a step-free shower recess; (vi) reinforced walls around the toilet, shower and bath to support the safe installation of grab rails at a later date; and (vii) a continuous handrail on one side of any stairway where there is a rise of more than 1 metre. (d) Contractual documentation is to be submitted confirming the intended transfer of ownership of a minimum of 5% of the total number of dwellings, rounded up to the next whole number of dwellings, to a community housing organisation registered with the Department of Housing, to be managed as affordable housing through a program recognised by the Department of Housing, for at least 20 years from the date of occupation of the building. (e) At least 50% of the dwellings are to be designed to provide: (i) effective natural cross-ventilation; and (ii) significant views from more than one habitable room window or balcony, each being located on a different elevation of the building. **Local Community Benefits** (f) Viewing corridors to enable as many as possible of the occupiers of neighbouring buildings to retain significant views. (g) One or more facilities such as a meeting room, boardroom, lecture theatre, function room, available for use by external community groups or individuals, or external businesses.

Amendment text identifying significant modifications endorsed for readvertising

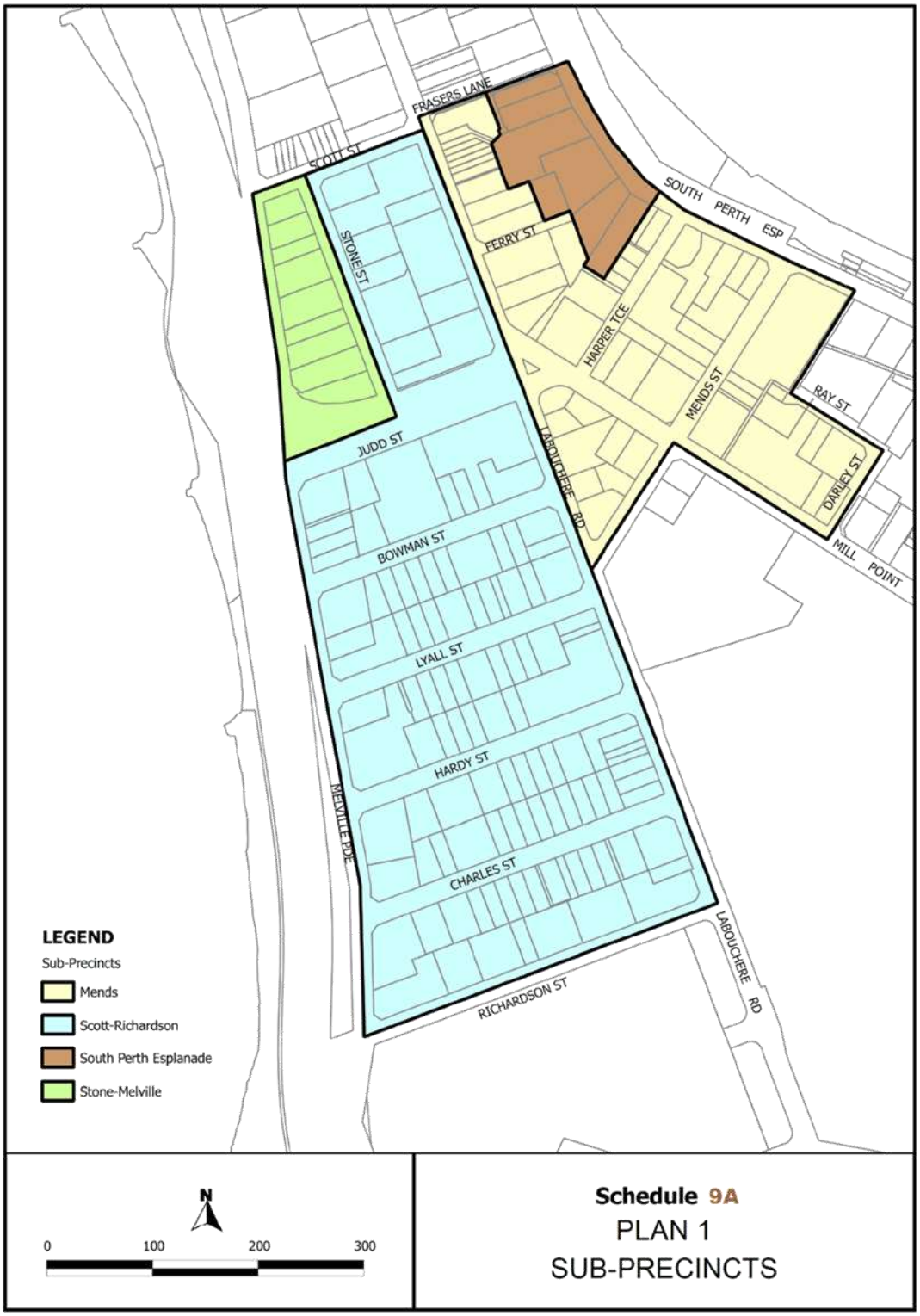
Schedule 9A – Special Control Area 1 – South Perth Station Precinct
Table B: Performance Criteria for Special Design Area (cont'd)

Design Consideration	Performance Criteria
8. Benefits for Occupiers and Local and Wider Communities *(cont'd)*	(h) Public access to the building, terraces or gardens at ground level, or on the roof of the podium or tower, for leisure, recreational or cultural activities such as, among others: (i) Café/Restaurant; (ii) Cinema/Theatre; (iii) gymnasium; (iv) a dedicated room for use as a community exhibition gallery for display of artworks or for other exhibitions; or (v) an outdoor area designed for public entertainment performances. (i) A Child Day Care Centre. **Wider Community Benefits** (j) Visiting cyclists' end-of-trip facilities including secure bicycle storage facilities, change rooms, clothes lockers and showers, for use by visitors to the proposed building. (k) A Public Parking Station forming part of a development, such Parking Station containing not less than 50 motor cycle bays and no car bays, allowing a maximum stay of 4 hours, in addition to the occupier and visitor parking required for the development.

Amendment No.46 to City of South Perth Town Planning Scheme No. 6

Amendment text identifying significant modifications endorsed for readvertising

Schedule 9A – Special Control Area 1 – South Perth Station Precinct



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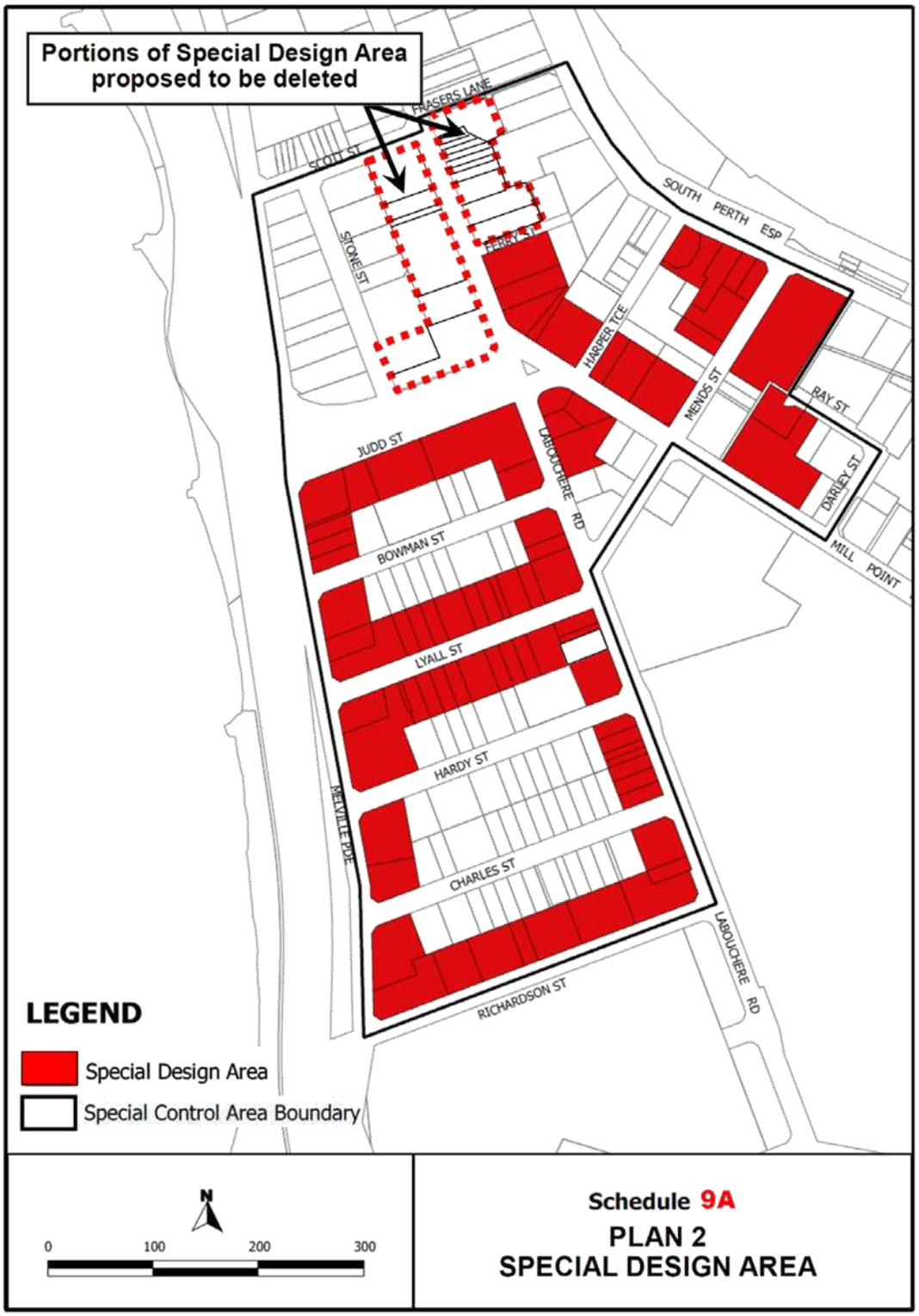
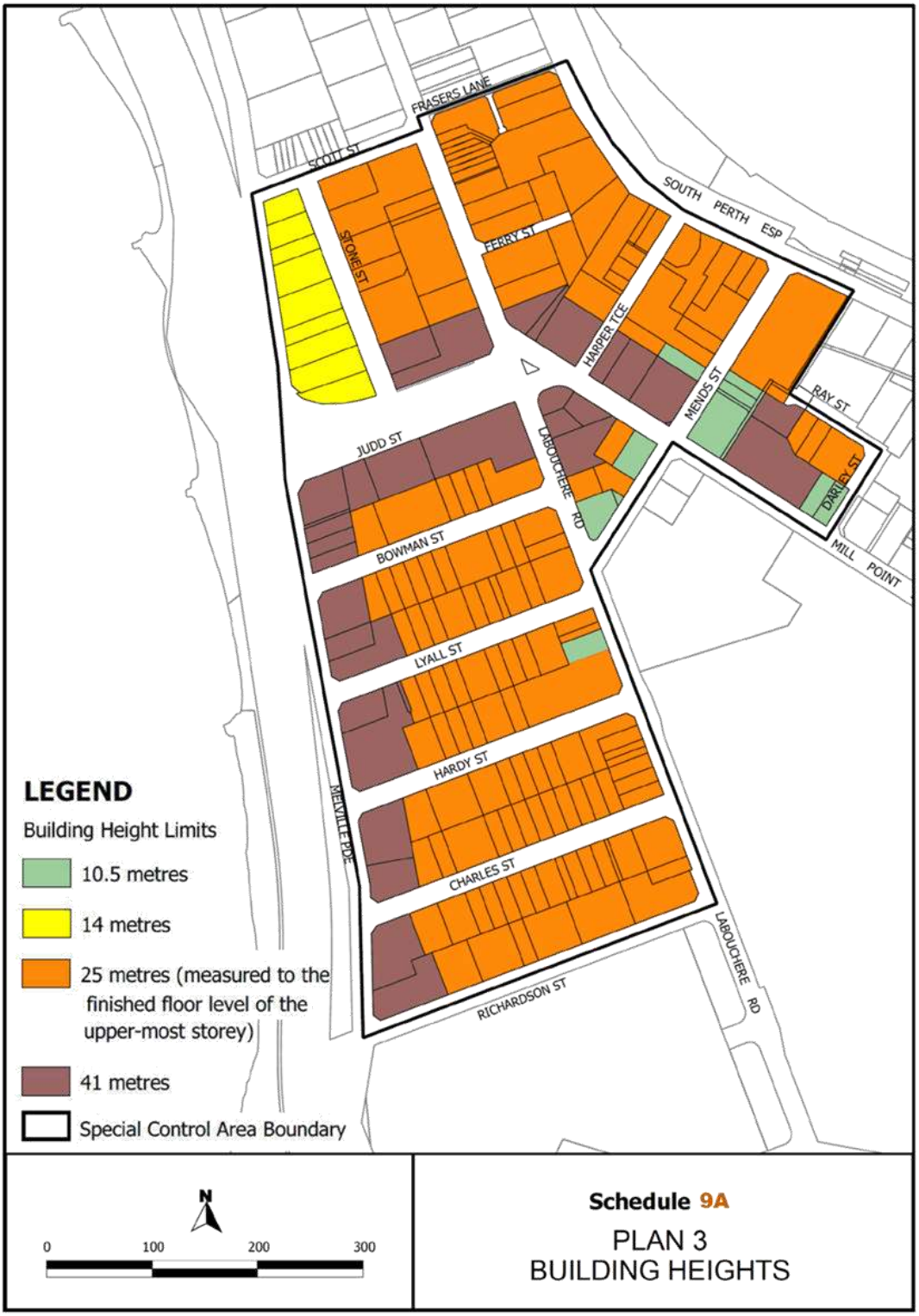
Amendment text identifying significant modifications endorsed for readvertising

Schedule 9A – Special Control Area 1 – South Perth Station Precinct



Amendment text identifying significant modifications endorsed for readvertising

Schedule 9A – Special Control Area 1 – South Perth Station Precinct



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Amendment text identifying significant modifications endorsed for readvertising

Schedule 9A – Special Control Area 1 – South Perth Station Precinct

3. The following clauses are amended by deleting the term 'Schedule 9' and replacing it with the term 'Schedule 9A' wherever it occurs:

Clause 3.3 (9)
Clause 4.3 (1)(m) and (n)
Clause 4.7 (3)
Clause 5.1 (6)
Clause 5.2 (3)
Clause 5.3 (3)
Clause 6.1A (10)(b) and Note
Clause 6.3 (13)
Clause 6.3A (8)
Clause 6.4 (6)
Clause 7.8 (2)(d)
Clause 10.1 (1)(b)
Indexes of Schedules

Attachment (d)

MODIFIED AMENDMENT TEXT
endorsed for Minister's final approval
COUNCIL MEETING 26 APRIL 2016

City of South Perth
Town Planning Scheme No. 6

Amendment No. 46

South Perth Station Precinct: Special Control Area SCA 1: Rectifying anomalies and ambiguities in Schedule 9 and strengthening criteria for building height variations

MODIFIED TEXT
endorsed at Council Meeting
26 April 2016 for Minister's final approval

Civic Centre
Cnr Sandgate Street and South Terrace
SOUTH PERTH WA 6151

Monday to Friday: 8.30am to 5.00pm
Enquiries:
Telephone: 9474 0777
Facsimile: 9474 2425
Email: enquiries@southperth.wa.gov.au
Web: www.southperth.wa.gov.au

S:\Planning Services\STRATEGIC PLANNING\AMENDMENTS to TPS6\Amd 46 re Schedule 9 SCA1\09F SECOND Report on Submissions. Major Mods to Amd 46\April 2016 documents\Attachment (d) Amd 46 FINAL modified text FOR ADOPTION April 2016.docx

NOTE:

Throughout this document, text colours signify modifications considered by the Council at various stages of the Amendment No. 46 process, as follows:

Black text	Remnant text from the existing (Amendment No 25) Schedule 9 of TPS6
Red text	Amendment No. 46 text as originally advertised
Blue text	Officer's recommended proposed Amendment No. 46 text modifications after considering submissions received during original advertising of Amendment No. 46
Green text	Significant modifications to Amendment text endorsed at Special Council Meeting on 27 October 2015 for readvertising
Lilac text	Modifications to Amendment text endorsed at Council meeting on 26 April 2016 following 'second-round' advertising of significant modifications

Amendment text – Modifications endorsed 26 April 2016 for Minister's final approval

PLANNING AND DEVELOPMENT ACT 2005

City of South Perth

Town Planning Scheme No. 6
Amendment No. 46

Modified Amendment text after 'first-round' advertising 27 January to 13 March 2015, and 'second-round' advertising 3 November 2015 to 5 February 2016

Council Meeting 26 April 2016

The Council of the City of South Perth under the powers conferred upon it by the *Planning and Development Act 2005*, hereby amends the above local planning scheme as follows:

1. Clause 4.3 (1)(c) is amended by deleting the first word, 'The', and replacing it with the following words:

"Other than in Special Control Area 1 'South Perth Station Precinct', the".

2. Clause 6.1A(10)(b) is amended as follows:

(a) the preamble to paragraph (b)(ii) is amended to read as follows:

"(ii) subject to (iii), on land which is not in the Special Design Area, where the assigned Building Height Limit is 25.0 metres: "

(b) paragraph (b) is amended by the addition of a new part (iii), to read as follows:

"(b) (iii) for any comprehensive new development in the Special Design Area, where a proposed building is higher than the Building Height Limit shown on Plan 3 'Building Heights' in Schedule 9A, the provisions of sub-clauses 6.1A (2), (3), (4), (5), (6), (7), (8) and (9) of the Scheme do not apply." ;

3. Schedule 9 is deleted and the following new Schedule 9A is inserted in its place:

Amendment text – Modifications endorsed 26 April 2016 for Minister's final approval

"Schedule 9A

Special Control Area 1 –
South Perth Station Precinct

Refer to Clause 10.1

NOTES

NOTE ON SCHEDULE 9A :
Schedule 9A added by Amendment No. 46

Provision 1 Objectives of Special Control Area 1

The objectives of the development controls for Special Control Area 1 – South Perth Station Precinct are to:

(a) promote more intensive commercial land use to support the increased residential population, provide greater employment self-sufficiency in the City and patronage for a future 'destination' rail station;

(b) create a precinct that offers commercial office space, cafés, restaurants, hotels and tourist accommodation;

(c) preserve portions of the precinct for predominantly residential, retail and office uses, as appropriate, by the creation of sub-precincts;

(d) create a high quality inner-city urban character;

(e) promote a high level of pedestrian amenity with active street frontages to create a liveable and accessible environment for visitors and residents;

(f) allow buildings designed to maximise river and city views while maintaining view corridors;

(g) permit additional building height within the Special Design Area in return for meeting certain performance criteria relating to exceptional quality architecture, sustainable design, and additional community benefits; and

(h) preserve and protect the integrity of heritage places within the precinct.

Provision 2 Land comprising Special Control Area 1

Special Control Area 1 – South Perth Station Precinct as delineated on the Scheme Map as SCA1, includes land adjacent to portions, or all, of the following streets: Bowman Street, Charles Street, Darley Street, Ferry Street, Frasers Lane, Hardy Street, Harper Terrace, Judd Street, Labouchere Road, Lyall Street, Melville Parade, Mends Street, Mill Point Road, Ray Street, Richardson Street, Scott Street, South Perth Esplanade, and Stone Street.

Amendment text – Modifications endorsed 26 April 2016 for Minister's final approval

Schedule 9A – Special Control Area 1 – South Perth Station Precinct (cont'd)

NOTES

Provision 3 Operation of Schedule 9A

(1) Comprehensive new development within Special Control Area 1 – South Perth Station Precinct shall comply with the development requirements in the first column of Table A of this Schedule. No variation from those requirements is permissible unless the provisions of a particular development requirement provide Council with a discretionary power to approve a variation from that requirement.

(2) The guidance statements in the second column of Table A explain the rationale for the development requirements in the first column; and guide the Council in the exercise of discretion, where applicable, when considering applications for planning approval for comprehensive new development.

(3) In cases where the Council has discretionary power to approve a proposed variation from a particular development requirement in Table A, approval shall not be granted unless the proposed comprehensive new development satisfies the related guidance statements.

(4) On sites within the Special Design Area where approval is sought for variations from Development Requirement 5.1, approval shall not be granted unless the proposed comprehensive new development satisfies the related guidance statements and also complies with all Performance Criteria in Table B.

(5) Within Special Control Area 1 – South Perth Station Precinct:

(a) the provisions of this Schedule do not apply to development in the form of alterations or additions of the following kinds:

(i) additional habitable floor area which does not add new dwellings or provide space capable of accommodating additional people working in the non-residential portion of a building;

(ii) renovations or repairs which do not increase the plot ratio area of the building;

(iii) a non-habitable outbuilding;

(iv) an open-sided addition;

(v) any other non-habitable addition;

(vi) modifications to the façade; or

(vii) change of use.

(b) For alterations or additions of the kinds referred to in paragraph (a) there is no maximum plot ratio within Special Control Area 1 – South Perth Station Precinct, but such alterations or additions are subject to all other relevant provisions of this Scheme.

Amendment text – Modifications endorsed 26 April 2016 for Minister's final approval

Schedule 9A – Special Control Area 1 – South Perth Station Precinct (cont'd)

NOTES

Provision 4 Definitions

In this Schedule:

NOTE ON PROVISION 4 'DEFINITIONS' :
Refer to Schedule 1 for definition of ***'comprehensive new development'.***

'active street frontage' means a street frontage on the ground floor of a building that enables direct visual and physical contact between the street and the interior of the building to ensure casual surveillance of the public domain. Clearly defined entrances, windows and shop fronts are elements of the building façade that contribute to an active street frontage.

'discretionary land use' means a use which the Council may approve in the Sub-Precinct in which the use is proposed if it is satisfied that the use would not detract from the amenity of the Sub-Precinct and would satisfy the Sub-Precinct Guidance Statements for Elements 1 and 2 in Table A.

'heritage place' has the same meaning as the term 'place' in the *Heritage of Western Australia Act 1990.*

'podium' means the lower levels of a building, which are to have lesser setbacks than the upper levels as detailed in Element 7 and Element 8 of Table A of this Schedule.

'preferred land use' means a Use that is permitted in a Sub-Precinct where the Use is indicated in Elements 1 and 2 in Table A as being a preferred land use.

'significant view' means a panorama or a narrower vista seen from a given vantage point, not obtainable from the majority of residential properties within the City. Examples of a 'significant view' include views of the Perth City skyline, the Swan River, suburban townscape, parkland or treescape.

'Small Shop' means a shop with a gross floor area not exceeding 250 square metres. The term does not include a supermarket or department store.

'Special Design Area' means the area identified as a special design area on Plan 2 - Special Design Area forming part of this Schedule.

Amendment text – Modifications endorsed 26 April 2016 for Minister's final approval

Schedule 9A – Special Control Area 1 – South Perth Station Precinct (cont'd)

Table A: Development Requirements for Comprehensive New Development

Development Requirements	Guidance Statements
Element 1: Land Uses – Preferred and Discretionary	
1.1 Mends Sub-Precinct 1.1.1 *Preferred land uses:* Cafe/Restaurant, Cinema/Theatre, Convenience Store, Hotel, Mixed Development, Office, Service Industry, Shop, Small Shop, Tourist Accommodation; Aged or Dependent Persons' Dwelling, Grouped Dwelling, Multiple Dwelling, Residential Building and Single Bedroom Dwelling. 1.1.2 *Discretionary land uses:* Child Day Care Centre, community exhibition gallery, Consulting Rooms, Educational Establishments and Public Parking Station. **1.2 Scott-Richardson Sub-Precinct** 1.2.1 *Preferred land uses:* Café/Restaurant, Mixed Development, Office, Service Industry, Take-Away Food Outlet, Tourist Accommodation, Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons' Dwelling and Residential Building. 1.2.2 *Discretionary land uses:* Child Day Care Centre, Civic Use, community exhibition gallery, Consulting Rooms, Educational Establishment, Hotel, Public Parking Station, Reception Centre and Small Shop. **1.3 South Perth Esplanade Sub-Precinct** *Preferred land uses:* Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons' Dwelling, Residential Building and Tourist Accommodation. **1.4 Stone-Melville Sub-Precinct** 1.4.1 *Preferred land uses:* Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons' Dwelling, Residential Building; 1.4.2 *Discretionary land uses:* Café/Restaurant, Consulting Rooms, Local Shop, Mixed Development and Tourist Accommodation. **1.5 Uses not listed** Any use not listed in Development Requirements 1.1, 1.2, 1.3 and 1.4 is not permitted unless the use satisfies Element 1 Guidance Statements (a) and (b) and the related Guidance Statements for the relevant sub-precincts.	(a) It is intended that the South Perth Station Precinct is to consolidate its role as an employment destination. (b) In the Mends and Scott-Richardson Sub-Precincts, non-residential uses should predominantly comprise offices, shops and other commercial land uses, Educational Establishments and tourist-oriented development. Inclusion of child care facilities and community art or exhibition galleries within some developments would be beneficial for both residents and employees. **(c) Mends Sub-Precinct** For the Mends Sub-Precinct, shops and other commercial uses are encouraged to retain Mends Street's traditional function as the main retail area in South Perth. Land uses with higher intensity visitation should be located on the ground floor, with non-residential land uses encouraged on the lower floors and residential on the upper floors. **(d) Scott-Richardson Sub-Precinct** For the Scott-Richardson Sub-Precinct the traditional Office and small scale shops and other commercial uses are encouraged on the ground and lower floors with residential on the upper floors. **(e) South Perth Esplanade Sub-Precinct** For the South Perth Esplanade Sub-Precinct, land uses which preserve a residential character are encouraged. **(f) Stone-Melville Sub-Precinct** For the Stone-Melville Sub-Precinct, land uses which preserve a residential character are encouraged, with limited commercial development.

Amendment text – Modifications endorsed 26 April 2016 for Minister's final approval

Schedule 9A – Special Control Area 1 – South Perth Station Precinct
Table A: Development Requirements for Comprehensive New Development (cont'd)

Development Requirements	Guidance Statements
1.6 Interaction of Elements 1 and 2 With respect to ground floor uses, the provisions of 'Element 2 Ground Floor Uses' will prevail over the provisions of 'Element 1 Land Use' in the event of any inconsistency.	
Element 2: Ground Floor Land Uses – Preferred and Discretionary	
2.1 Mends Sub-Precinct 2.1.1 No residential dwellings are permitted on the ground floor. 2.1.2 *Preferred ground floor land uses:* Cafe/Restaurant, Convenience Store, Hotel, Office, Service Industry, Shop, Small Shop, and Tourist Accommodation. 2.1.3 *Discretionary ground floor land uses:* Child Day Care Centre, community exhibition gallery, Consulting Rooms, Educational Establishment. **2.2 Scott-Richardson Sub-Precinct** 2.2.1 No residential dwellings are permitted on the ground floor. 2.2.2 *Preferred ground floor land uses:* Café/Restaurant, Office, Service Industry, Small Shop and Take-Away Food Outlet. 2.2.3 *Discretionary ground floor land uses:* Child Day Care Centre, community exhibition gallery, Consulting Rooms, Educational Establishment. **2.3 South Perth Esplanade Sub-Precinct** *Preferred ground floor land uses:* Grouped Dwelling, Multiple Dwelling, Aged or Dependent Persons' Dwelling, Single Bedroom Dwelling, Residential Building and Tourist Accommodation. **2.4 Stone-Melville Sub-Precinct** *Preferred ground floor land uses:* Multiple Dwelling, Grouped Dwelling, Single Bedroom Dwelling, Aged or Dependent Persons' Dwelling, Residential Building, Café/Restaurant, Consulting Rooms, Local Shop, Mixed Development, and Tourist Accommodation. **2.5 Uses not listed** Any land use not listed in Development Requirements 2.1, 2.2, 2.3 and 2.4 is not permitted unless the use satisfies Element 2 Guidance Statements (a) and (b).	(a) The ground floors of buildings are the most important in engendering interaction between the public and private realms. As such, for the Mends and Scott-Richardson Sub-Precincts, non-residential uses are expected at the ground floor level to enhance the public / private interface. (b) Within Element 2 'Ground Floor Land Uses', the sole purpose of designating uses as either 'preferred' or 'discretionary' is to indicate their appropriateness for location on the ground floor of a building. This does not indicate their appropriateness within a particular Sub-Precinct. (To determine whether a land use is 'preferred' or 'discretionary' within a particular Sub-Precinct, refer to Element 1.)

Amendment text – Modifications endorsed 26 April 2016 for Minister's final approval

Schedule 9A – Special Control Area 1 – South Perth Station Precinct
Table A: Development Requirements for Comprehensive New Development (cont'd)

Development Requirements	Guidance Statements
Element 3: Plot Ratio and Land Use Proportions	
3.1 There is no maximum plot ratio for any comprehensive new development within Special Control Area 1 – South Perth Station Precinct. 3.2 Within the Scott-Richardson Sub-Precinct and the Mends Sub-Precinct, all comprehensive new development shall have a non-residential component with a minimum plot ratio of 1.0. 3.3 In the Scott-Richardson Sub-Precinct and the Mends Sub-Precinct, where the total plot ratio of a Mixed Development is 3.0 or less, the plot ratio of the residential component shall not exceed 1.5. 3.4 In the Scott-Richardson Sub-Precinct and the Mends Sub-Precinct, on sites which are not in the Special Design Area, where the total plot ratio of a Mixed Development is more than 3.0, there is no maximum plot ratio for the residential component. **3.5 On sites in the Special Design Area, where the total plot ratio of a Mixed Development is more than 3.0, the plot ratio of the non-residential component shall be not less than 1.5 unless the Council approves a lower non-residential plot ratio to a minimum of 1.0, where satisfied that the development meets the intent of Guidance Statement (a).** 3.6 The provisions of the Codes relating to dwelling size in activity centres shall apply. 3.7 For comprehensive new development that includes residential dwellings, the provisions of the Codes relating to 'Utilities and Facilities' in activity centres shall apply. 3.8 **South Perth Esplanade and Stone-Melville Sub-Precincts** Development Requirements 3.2, 3.3 and 3.4 do not apply to the South Perth Esplanade Sub-Precinct and the Stone-Melville Sub-Precinct.	(a) In the Scott-Richardson and Mends Sub-Precincts, any comprehensive new development should make a significant contribution towards consolidation of the South Perth Station Precinct as an employment destination. (b) To meet potential occupiers' diverse needs, all comprehensive new developments that include a residential component should provide a diversity of dwelling sizes and number of bedrooms, including Single Bedroom Dwellings. (c) For residential dwellings, storerooms, rubbish collection and clothes drying areas should be provided.
Element 4: Podium Height	
4.1 The podium height shall be 9 metres minimum and 13.5 metres maximum. 4.2 For properties that contain or abut a heritage place, the podium height shall be a minimum of 7 metres and a maximum of 10.5 metres unless otherwise approved by the Council after giving due consideration to Element 13 of Table A of this Schedule. 4.3 On a corner site, in order to accommodate an architectural design feature, the Council may permit a variation from the maximum podium height prescribed in Development Requirement 4.1 where the podium satisfies Element 4 Guidance Statements (a) and (b).	(a) The scale of the podium is an important contributory factor to the character and perceived integrity of the street. (b) Corner podium with architectural design features is encouraged.

Amendment text – Modifications endorsed 26 April 2016 for Minister's final approval

Schedule 9A – Special Control Area 1 – South Perth Station Precinct
Table A: Development Requirements for Comprehensive New Development (cont'd)

Development Requirements	Guidance Statements
Element 5: Building Height	
5.1 With the exception of any variations that the Council may approve under Element 6 'Special Design Area', comprehensive new development shall comply with the building height limits shown on Plan 3 'Building Heights'.	(a) In general, the building height limits shown on Plan 3 'Building Heights', coupled with unlimited total plot ratio, will facilitate achievement of the desired character of the South Perth Station Precinct as an urban place with a dynamic and vibrant inner-city atmosphere. (b) Within the Special Design Area comprising sites fronting the more prominent streets, it is appropriate to allow higher buildings provided the performance criteria in Table B are met.
Element 6: Special Design Area	
6.1 In the case of a comprehensive new development in the Special Design Area with a plot ratio of more than 3.0, the Council may, subject to all of the provisions of Element 6, approve a variation from the Building Height Limits shown on Plan 3, provided that: (a) the development site has an area of not less than 1,700 sq. metres and a frontage of not less than 25 metres; or (b) where it is demonstrated that the development site cannot reasonably be amalgamated with any adjoining land in the Special Design Area due to the scale of development on, or form of tenure, or use of the adjoining land, **the development site has both an area of not less than 1,530 sq. metres and a frontage of not less than 22.5 metres.** **6.2 On land in the Special Design Area, where comprehensive new development has a plot ratio of more than 3.0 and satisfies:** **(a) Development Requirement 6.1(a) or 6.1(b); and** **(b) all Performance Criteria in Table B for Design Considerations 1 to 7 inclusive;** **the Council may approve a variation above the height limit applicable to the development site as shown on Plan 3. In such a case, the maximum permissible building height is determined by satisfaction of the minimum number of Table B Performance Criteria for Design Consideration 8 specified below:** **(i) Where Plan 3 shows a Building Height Limit of 25 metres –** **(A) 5 Performance Criteria : 35 metres; or** **(B) 7 Performance Criteria : 40 metres; or**	**(a) For a site to be eligible for approval of a building height variation, a minimum lot area and frontage is prescribed. However, where under-sized lots cannot be amalgamated with adjoining lots in order to achieve the prescribed minimum area and frontage, a 10% deficiency is allowed.** (b) The lots comprising the Special Design Area have been included in this area because they front onto streets which have a high degree of visibility, either by virtue of their open aspect or proximity to high volumes of vehicle or pedestrian traffic. **These streets offer the potential for higher buildings with a stronger visual presence than buildings in other streets. In return for this greater development potential, buildings need to demonstrate exceptional design quality, and meet a range of other performance criteria.** (c) Table B contains a range of performance criteria aimed at promoting energy-efficient developments of exceptional, sensitive and sophisticated design quality and offering additional occupier and community benefits, among other design considerations. Subject to satisfying all of the Performance Criteria, on sites of sufficient area and frontage in the Special Design Area building height variations may be allowed to the limits specified in the development requirements.

Amendment text – Modifications endorsed 26 April 2016 for Minister's final approval

Schedule 9A – Special Control Area 1 – South Perth Station Precinct
Table A: Development Requirements for Comprehensive New Development (cont'd)

Development Requirements	Guidance Statements
(C) all Performance Criteria : No height limit. (ii) Where Plan 3 shows a Building Height Limit of 41 metres – (A) 5 Performance Criteria : 50 metres; or (B) 7 Performance Criteria : 60 metres; or (C) all Performance Criteria : No height limit. 6.3 Where a variation from a Building Height Limit shown on Plan 3 is sought under Development Requirement 6.1 and 6.2, the applicant shall submit as part of the application for planning approval, a report demonstrating how the development satisfies the Performance Criteria in Table B. 6.4 For the avoidance of doubt, the maximum building heights referred to in Development Requirement 6.2 are not subject to variation, and may not be exceeded in any circumstance whatsoever.	
Element 7: Relationship to the Street	
7.1 The street setbacks apply to both residential and non-residential components of buildings. 7.2 Subject to Development Requirement 7.5.1, with the exception of comprehensive new development on sites fronting the streets referred to in Development Requirements 7.3 and 7.4, all comprehensive new development shall incorporate a podium with a nil street setback. For comprehensive new development on sites fronting the streets referred to in Development Requirements 7.3 and 7.4, inclusion of a podium is optional. 7.3 For properties abutting the following streets, the street setback for any part of the building including the podium, if any, shall be not less than 4 metres: (a) Darley Street; (b) Ferry Street; (c) Frasers Lane; (d) Judd Street, north side; (e) Melville Parade, north of Judd Street; (f) Mill Point Road, west side between Judd Street and Scott Street, and east side between Harper Terrace and Frasers Lane; (g) Ray Street; (h) Scott Street; and (i) Stone Street.	(a) With the exception of sites fronting on to the streets listed in Development Requirements 7.3 and 7.4, to achieve a high degree of continuity of the street edge, the major portion of the width of the street façade of the podium should normally abut the street boundary, with the levels above the podium being set back in accordance with Element 8 'Side and Rear Setbacks'. However, the Council may approve a lesser portion of the street frontage having a zero street setback if design techniques are employed which visually maintain the continuity of the street edge. (b) It is intended that the streets listed in Development Requirements 7.3 and 7.4 will retain a different character from other streets in the Precinct for various reasons, including being on the perimeter and facing developments with required significant street setbacks, being of narrow width, or containing significant street trees.

Amendment text – Modifications endorsed 26 April 2016 for Minister's final approval

Schedule 9A – Special Control Area 1 – South Perth Station Precinct
Table A: Development Requirements for Comprehensive New Development (cont'd)

Development Requirements	Guidance Statements
7.4 South Perth Esplanade Sub-Precinct 7.4.1 For any part of the building including the podium, if any, the setback from South Perth Esplanade shall be not less than 6 metres. **7.5 Scott-Richardson and Mends Sub-Precincts** 7.5.1 The following requirements apply unless otherwise approved where the proposed comprehensive new development satisfies the applicable Guidance Statements: "(a) (i) Where the Council is satisfied that a podium with a zero street setback would not adversely affect the amenity of an adjoining property or there is a prospect of imminent redevelopment of the adjoining site, a zero setback is required for at least 60% of the frontage of the development site unless the development satisfies Element 7 Guidance Statement (a); and (ii) where there is no prospect of imminent redevelopment of an adjoining site and the Council is of the opinion that a podium with a zero street setback would adversely affect the amenity of the adjoining property, the Council shall specify: (A) the maximum percentage of the lot frontage that may have a zero street setback; (B) the positioning of the portion of the building with a zero setback; and (C) the required greater setback for the balance of the building." (b) Ground floor street façades shall comprise at least one pedestrian entrance and a minimum of 60% clear glass with a maximum sill height of 450mm above the adjacent footpath level. No obscure screening is permitted higher than 1.2 metres above the adjacent footpath level, unless the development satisfies Element 7 Guidance Statements (c), (d), (e) and (f). (c) Portions of ground floor street façades with no openings shall not exceed 5 metres in length, unless the development satisfies Element 7 Guidance Statements (c), (d), (e) and (f). 7.5.2 For the portion of the building above the podium, the setback from the street to the main external wall of a building shall be a minimum of 4.0 metres. 7.5.3 The Council may grant approval for cantilevered balconies or decorative elements to be set back a minimum of 3.0 metres from the street boundary of the development site, provided that:	(c) Ground floor commercial tenancies adjacent to any street should maximize active street frontages and provide a public entrance directly accessible from the street. (d) The extent of blank or solid wall at ground level adjacent to the street should be minimised. (e) Deep and poorly illuminated recesses are to be avoided at ground level adjacent to pedestrian paths. (f) Where cafés or restaurants are proposed, alfresco dining is encouraged.

Amendment text – Modifications endorsed 26 April 2016 for Minister's final approval

Schedule 9A – Special Control Area 1 – South Perth Station Precinct
Table A: Development Requirements for Comprehensive New Development (cont'd)

Development Requirements	Guidance Statements
(a) strong visual differentiation is maintained between the podium and the portion of the building above it; (b) the perceived scale of the building does not dominate public space; (c) the projecting elements have sufficient design merit and visual interest; and (d) solar access to the public footpath is not adversely affected. 7.5.4 The design of the building is to demonstrate that the podium and the portion of the building above it are visually compatible in terms of construction materials and design features.	
Element 8: Side and Rear Setbacks	
8.1 **(a) Where the Council is satisfied that a podium with a zero setback from a side boundary would not adversely affect the amenity of an adjoining property or there is a prospect of imminent redevelopment of the adjoining site, a zero setback from the side boundary is required unless the development satisfies Element 8 Guidance Statement (a); and** **(b) where there is no prospect of imminent redevelopment of an adjoining site and the Council is of the opinion that a zero setback from a side boundary would adversely affect the amenity of the adjoining property, the Council shall specify:** **(i) the portion of the building that is required to have a greater setback from the side boundary; and** **(ii) the required greater setback for that portion of the building.** 8.2 Subject to Development Requirement 8.4, for both residential and non-residential components of a building, podium walls may have a zero setback from the rear boundary. 8.3 Subject to Development Requirement 8.4, for the portion of a building above the podium, or where there is no podium on sites fronting streets referred to in Development Requirement 7.3 of Element 7, the setbacks from side and rear boundaries shall be: (a) For non-residential components: 3 metres minimum. (b) For residential components: Not less than the setbacks prescribed in Table 5 of the Codes which shall apply to both side and rear boundaries.	(a) The podium levels of buildings will normally be required to have zero side setback to ensure a high degree of continuity of the street edge. However, the Council may approve a greater side setback if such setback is: (i) integrated with an open forecourt or alfresco area, or the like, which is visible from the street; or (ii) concealed from view from the street by a portion of the podium which has a zero side setback. (b) The portion of a building above the podium is required to be set back from side and rear boundaries to allow light and solar penetration between buildings. (c) Any building constructed on a site adjoining a heritage place must preserve the visual significance and integrity of the heritage place. To contribute to the achievement of this objective, the new building may need to be set back a greater distance from the side or rear boundaries of the development site.

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Schedule 9A – Special Control Area 1 – South Perth Station Precinct
Table A: Development Requirements for Comprehensive New Development (cont'd)

Development Requirements	Guidance Statements
8.4 In the case of comprehensive new development on a site comprising or adjoining a heritage place, the minimum setbacks from the side and rear boundaries shall be as determined by the Council. The Council may require greater setbacks than those specified in Development Requirement 8.2, having regard to the preservation of the visual significance and integrity of the heritage place.	
Element 9: Parking	
9.1 Subject to Development Requirement 9.2, the minimum required on-site parking bays shall be as follows: (a) For residential uses – (i) 0.75 car bays per dwelling for occupiers of Single Bedroom Dwellings; (ii) 1 car bay per dwelling for occupiers of dwellings other than Single Bedroom Dwellings; (iii) 1 additional car bay per 6 dwellings for visitors; (iv) in addition to the required car bays, 1 bicycle bay per 3 dwellings; and 1 bicycle bay per 10 dwellings for visitors, designed in accordance with AS2890.3 (as amended). (b) For non-residential Uses – (i) 0.5 car bays per Tourist Accommodation suite; (ii) 1 car bay per 50 square metres of gross floor area for uses other than Tourist Accommodation; (iii) 10%, or 2, of the total number of required car bays, whichever is the greater, marked for the exclusive use of visitors; (iv) in addition to the required car bays, for staff use, 1 bicycle bay per 200 square metres of gross floor area designed in accordance with AS2890.3 (as amended); together with 1 secure clothes locker per bay; and 1 male and 1 female shower per 10 bays. 9.2 Notwithstanding Development Requirement 9.1 (b), for comprehensive new development consisting only of 2 or more non-residential uses, the Council may approve a lesser number of car or bicycle bays where it is demonstrated that the proposed number of bays is sufficient, having regard to different periods of peak parking demand for proposed non-residential land uses on the development site.	(a) In an urban area with excellent public transport and a highly walkable environment, there is a strong rationale not to apply the high levels of parking provision associated with suburban environments. (b) Having regard to the reduced parking requirements within the South Perth Station Precinct, no parking concessions are allowed except where a proposed comprehensive new development includes more than one non-residential use and those uses have different periods of peak parking demand. (c) On-site visitor parking bays need to be provided in a conveniently accessible location without obstructing entry to, or egress from, occupiers' parking bays.

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Schedule 9A – Special Control Area 1 – South Perth Station Precinct
Table A: Development Requirements for Comprehensive New Development (cont'd)

Development Requirements	Guidance Statements
9.3 All visitor parking bays shall be: (a) marked and clearly signposted as dedicated for visitor use only; (b) connected to an accessible path of travel for people with disabilities. 9.4 Subject to Development Requirement 9.5, all visitor parking bays shall be located close to, or visible from, the point of vehicular entry to the development site and outside any security barrier. 9.5 Notwithstanding Development Requirement 9.4, visitor parking bays may be placed: (a) elsewhere on the development site if the proposed location of those bays would be more convenient for visitors; and (b) inside a security barrier where: (i) two of the visitor bays are provided outside the security barrier unless otherwise approved where Guidance Statement (c) is satisfied; and (ii) visitors have convenient access to an electronic communication system linked to each occupier of the building. 9.6 Other than parking bays for visitors or commercial deliveries, all car bays are to be provided in a basement, or within the building behind residential or non-residential floor space, or outside the building provided that such bays are concealed from view from the street.	
Element 10: Canopies	
10.1 **Where a building abuts the street boundary, a cantilevered canopy shall be provided over the street footpath. The projection depth of the canopy shall be 2.5 metres, subject to a clearance distance of not less than 2.5 metres being provided from the face of the road kerb to the canopy.**	(a) Where a building abuts the street boundary, a canopy should be provided that extends a sufficient distance over the footpath to provide a reasonable degree of shade and shelter to pedestrians, **while maintaining a safe clearance from the road carriageway and infrastructure in the verge.**
Element 11: Vehicle Crossovers	
11.1 Only one vehicle crossover per lot per street is permitted. 11.2 Two-way crossovers to a maximum width of 6 metres are permitted for parking areas containing 30 car bays and parking areas predominantly providing for short-term parking. 11.3 For **both the residential and non-residential components of a building,** the provisions of the Codes relating to sight lines at vehicle access points and street corners in activity centres shall apply.	(a) The quality of the pedestrian experience should take precedence over the quality of the driver's experience by minimising the number of vehicle/ pedestrian conflict points, in order to create a safer and more attractive pedestrian environment. (b) Shared crossovers are strongly encouraged.

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Schedule 9A – Special Control Area 1 – South Perth Station Precinct
Table A: Development Requirements for Comprehensive New Development (cont'd)

Development Requirements	Guidance Statements
11.4 Mends Sub-Precinct For the Mends Sub-Precinct, the above requirements for vehicle crossovers shall apply except in the following circumstances: (a) where appropriate alternative vehicle access is available from a rear lane or other right of way, no vehicle access from the primary or secondary street is permitted; and (b) where appropriate alternative vehicle access is available from another street, no vehicle access from Mends Street is permitted.	
Element 12: Landscaping and Outdoor Living Areas	
12.1 Where landscaping is proposed, a landscaping plan satisfying Guidance Statement (a) shall be submitted as part of the application for planning approval. 12.2 For comprehensive new development that includes residential dwellings, the provisions of the Codes relating to outdoor living areas in activity centres shall apply. 12.3 All residential dwellings shall be provided with a balcony or equivalent outdoor living area with a minimum area of 10 sq. metres and a minimum dimension of 2.4 metres, accessed directly from a habitable room.	(a) Where a street setback is provided, landscaping in the setback area should be based on water-sensitive design principles, minimise water consumption and maximise retention and re-use of water and have due consideration to Element 14 'Designing Out Crime'.
Element 13: Heritage	
13.1 In the case of a comprehensive new development involving additions or alterations to a heritage place, or on a site containing or adjoining a heritage place, the application for planning approval shall be accompanied by a heritage impact statement justifying the appropriateness of the built form of the comprehensive new development, including specific reference to the impact of the proposed podium height and overall building height. 13.2 In the case of a comprehensive new development involving additions or alterations to a heritage place, the proposed development shall retain, re-use and maintain the integrity of the existing heritage place. 13.3 The siting and design of any building on a site adjoining a heritage place shall respect the visual significance and integrity and not overwhelm or adversely affect the heritage place having regard to the design, size, scale, setbacks and proportion of the proposed building, particularly as viewed from the street.	(a) The precinct contains a number of places which are recognised for their heritage value. The streetscape character in the near vicinity is influenced by the scale and form of these heritage places. (b) Any development on a site containing or adjoining a heritage place should respect the scale of that heritage place, particularly as viewed from the street. (c) Any new development on or adjoining a site containing a heritage place should be located so as to ensure that the character of the heritage place is not adversely affected. (d) New development should be complementary to and supportive of the heritage places without copying or mimicking them.

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Schedule 9A – Special Control Area 1 – South Perth Station Precinct
Table A: Development Requirements for Comprehensive New Development (cont'd)

Development Requirements	Guidance Statements
Element 14: Designing Out Crime	
14.1 Primary pedestrian access points shall be visible from buildings and the street. 14.2 Comprehensive new developments shall, when relevant, incorporate illumination in accordance with the following Australian Standards: (a) AS 1680 regarding safe movement; (b) AS 1158 regarding lighting of roads and public spaces; and (c) AS 4282 Control of obtrusive effects of outdoor lighting. 14.3 Storage areas shall be sited in a location that will not facilitate access to upper level windows and balconies. 14.4 Public and Private areas shall be differentiated by the use of differing materials. 14.5 Any fence on the perimeter of the public realm shall be: (a) no higher than 0.9 metres; or (b) no higher than 1.5 metres provided that the portion above 0.9 metres comprises open grille panels between piers with the solid portions comprising not more than 20% of its face in aggregate. 14.6 Security grilles and other security devices that have potential to adversely affect the streetscape are not permitted unless the device satisfies Guidance Statement (a).	(a) Design should, as far as practicable, enhance natural surveillance, natural access control and territorial reinforcement. (b) The design of comprehensive new developments should avoid creation of areas of entrapment in recesses, alleyways or other areas providing no alternative means of escape.
Element 15: Road and Rail Transport Noise	
15.1 On sites having a frontage to Melville Parade or other streets as determined by the Council, in the case of an application for planning approval for comprehensive new development containing noise sensitive land uses: (a) a noise assessment shall be undertaken and the findings shall be submitted to the Council with the application; (b) if required by Council, the application shall include a noise management plan; (c) the noise assessment and noise management plan shall be prepared in accordance with Western Australian Planning Commission's State Planning Policy 5.4 *'Road and Rail Transport Noise and Freight Consideration in Land Use Planning'*; (d) where noise limits referred to in State Planning Policy 5.4 are likely to be exceeded, the solution identified in the noise management plan shall be detailed and justified.	(a) Comprehensive new development in proximity to the Kwinana Freeway should be designed having regard to noise mitigation measures.

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Table B: Performance Criteria for Special Design Area

Note: Refer to the Development Requirements and Guidance Statements for Element 6 'Special Design Area' within Table A: 'Development Requirements for Comprehensive New Development'.

Design Consideration	Performance Criteria
1. Design Quality	The architectural design, in the opinion of the Council, is exceptional, sensitive and sophisticated, contributing to the quality of the inner urban environment being promoted within the Precinct. In arriving at an opinion, the Council shall consider the following: (a) The visual appearance of the podium façade and the extent to which it engages with the street, during both daytime and night time hours. (b) The visual presentation of all elevations of the portion of the building above the podium. (c) Integration of any proposed artwork with the design of the building as a whole. (d) The contribution of the external materials and finishes to the overall design quality of the building.
2. Overshadowing	Shadow diagrams at noon on 21 June, are to be submitted demonstrating that the shadow cast by the portion of the proposed building above the Building Height Limit, does not cover more than 80 percent of any adjoining lot.
3. Vehicle Management	A traffic engineer is to conduct a study of the additional traffic resulting from a building height variation above the height limit shown on Plan 3 'Building Heights' in Schedule 9A. The study is to assess the impact on traffic flow and safety, taking into account the cumulative effect of additional floor space above the Building Height Limit in: (a) the proposed building; and (b) all other buildings in SCA1 for which a building height variation has been granted, and a building permit has been issued, whether or not construction has been completed. A report on the findings of the traffic study is to be submitted with the development application verifying, to the satisfaction of the Council, that the cumulative increase in traffic resulting from the increased building height relating to buildings referred to in paragraphs (a) and (b) will not have significant adverse impacts on traffic flow and safety.
4. Car Parking	The maximum permissible number of on-site parking bays for residential uses is as follows: (a) 1 car bay per dwelling for occupiers of 1 and 2 bedroom dwellings; (b) 2 car bays per dwelling for occupiers of dwellings containing 3 or more bedrooms.
5. Energy-Efficiency	In order to maximise energy-efficiency, the building is to be designed to achieve a 5-star rating under the relevant Green Star rating tool, or equivalent.
6. Electric Car Charging Station	An electric car charging station with capacity to recharge 6 vehicles simultaneously.
7. Landscaped Area	Landscaped area comprising not less than 40% of the area of the development site. Components of the landscaped area may include ground level landscaping, planting on walls, landscaping on the roof of the podium, rooftop terraces or gardens.

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Table B: Performance Criteria for Special Design Area (cont'd)

Design Consideration	Performance Criteria
8. Benefits for Occupiers and Local and Wider Communities	***Note: Refer to Element 6 of Table A to identify the minimum number of Design Consideration 8 Performance Criteria which must be met according to the extent of building height variation sought by an applicant.*** **Occupier Benefits** (a) Each dwelling incorporates at least one balcony with a minimum floor area of 15 sq. metres and a minimum dimension of 3.0 metres not including any planter box constructed as part of the balcony, and at least 50% of dwellings having access to at least 2 hours of sunlight on 21 June. (b) A minimum of 10% of the residential units, rounded up to the next whole number of dwellings, are to have an internal floor area of 200 sq. metres or more. (c) **The parking bays allocated to a** minimum of 20% of the total number of dwellings, rounded up to the next whole number of dwellings, **shall be not less than** 6.0 metres **in length and** 3.8 metres **in width. In addition, t**hose dwellings are to incorporate the following core elements, designed to the 'Silver Level' of the *'Livable Housing Design Guidelines'* produced by Livable Housing Australia: (i) a safe, continuous and step-free path of travel from the street entrance and / or parking area to a dwelling entrance that is level; (ii) at least one step-free, level entrance into the dwelling; (iii) internal doors and corridors that facilitate unimpeded movement between spaces; (iv) a toilet on the ground or entry level that provides easy access; (v) a bathroom which contains a step-free shower recess; (vi) reinforced walls around the toilet, shower and bath to support the safe installation of grab rails at a later date; and (vii) a continuous handrail on one side of any stairway where there is a rise of more than 1 metre. (d) Contractual documentation is to be submitted confirming the intended transfer of ownership of a minimum of 5% of the total number of dwellings, rounded up to the next whole number of dwellings, to a community housing organisation registered with the Department of Housing, to be managed as affordable housing through a program recognised by the Department of Housing, for at least 20 years from the date of occupation of the building. (e) At least 50% of the dwellings are to be designed to provide: (i) effective natural cross-ventilation; and (ii) significant views from more than one habitable room window or balcony, each being located on a different elevation of the building. **Local Community Benefits** (f) Viewing corridors to enable as many as possible of the occupiers of neighbouring buildings to retain significant views. (g) One or more facilities such as a meeting room, boardroom, lecture theatre, function room, available for use by external community groups or individuals, or external businesses.

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Table B: Performance Criteria for Special Design Area (cont'd)

Design Consideration	Performance Criteria
8. Benefits for Occupiers and Local and Wider Communities *(cont'd)*	(h) Public access to the building, terraces or gardens at ground level, or on the roof of the podium or tower, for leisure, recreational or cultural activities such as, among others: (i) Café/Restaurant; (ii) Cinema/Theatre; (iii) gymnasium; (iv) a dedicated room for use as a community exhibition gallery for display of artworks or for other exhibitions; or (v) an outdoor area designed for public entertainment performances. **Wider Community Benefits** **(i) A commercial use with wider community benefits such as Child Day Care Centre, after school care centre, Consulting Rooms, Educational Establishment, or other use having wider community benefits.** (j) Visiting cyclists' end-of-trip facilities including secure bicycle storage facilities, change rooms, clothes lockers and showers, for use by visitors to the proposed building. (k) A Public Parking Station forming part of a development, such Parking Station containing not less than 50 motor cycle bays and no car bays, allowing a maximum stay of 4 hours, in addition to the occupier and visitor parking required for the development.

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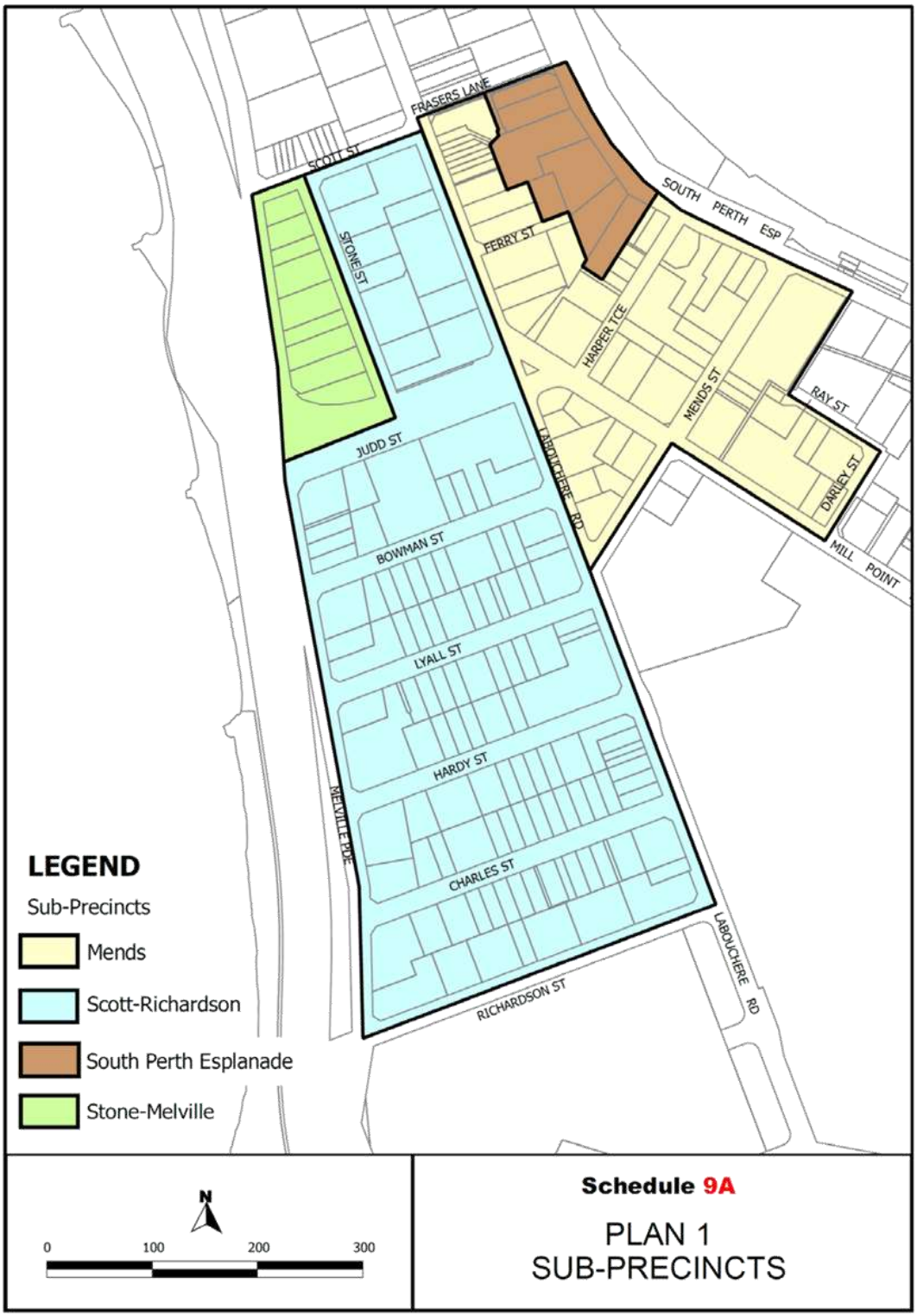

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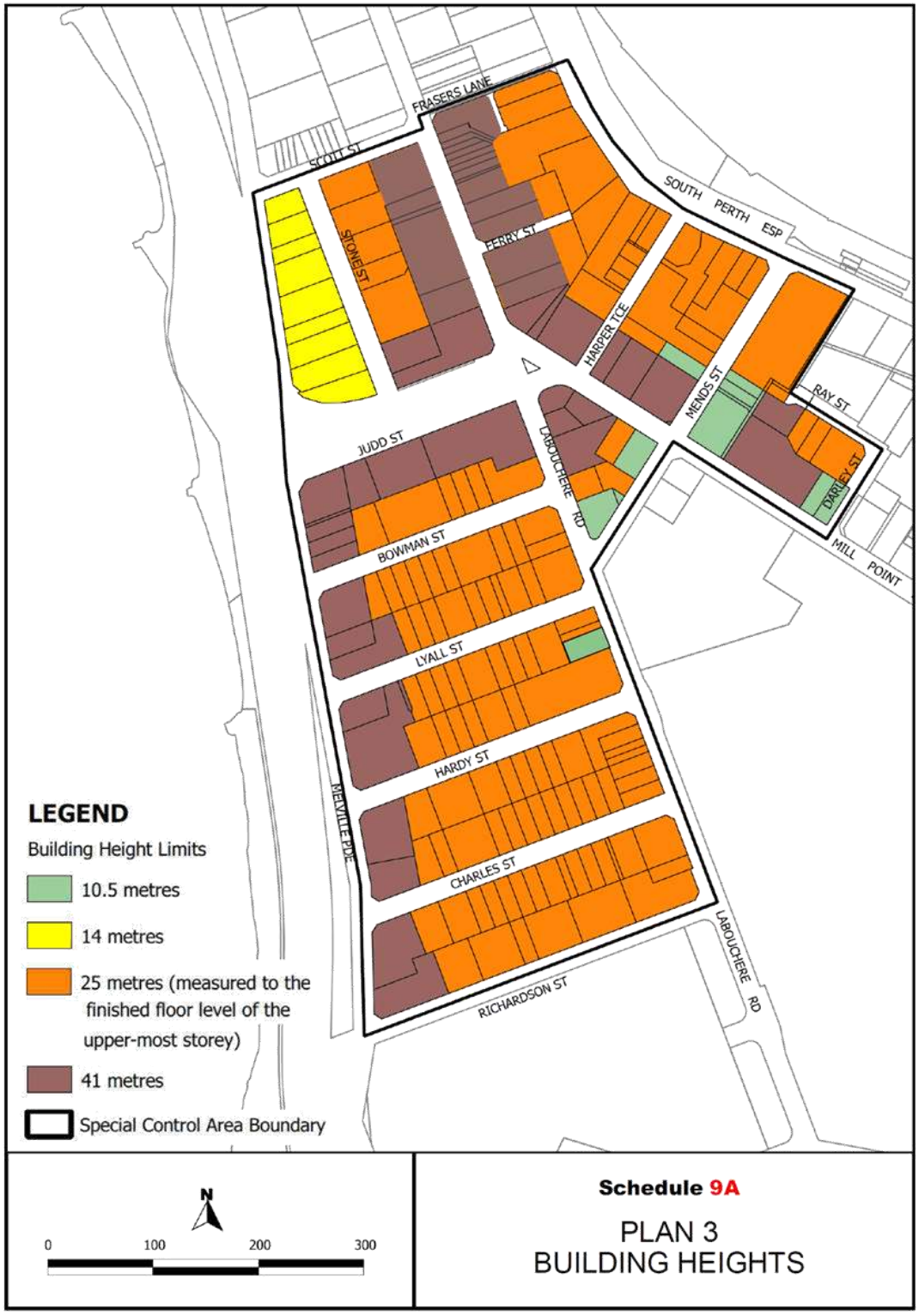

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4. The following clauses are amended by deleting the term 'Schedule 9' and replacing it with the term 'Schedule 9A' wherever it occurs:

Clause 3.3 (9)
Clause 4.3 (1)(m) and (n)
Clause 4.7 (3)
Clause 5.1 (6)
Clause 5.2 (3)
Clause 5.3 (3)
Clause 6.1A (10)(b) and Note
Clause 6.3 (13)
Clause 6.3A (8)
Clause 6.4 (6)
Clause 7.8 (2)(d)
Clause 10.1 (1)(b)
Indexes of Schedules